

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.28856 of 2018

R.Gunasekaran

...Petitioner

Vs.

1.The Commissioner  
Hindu Religious and Charitable Endowments  
No.119, Mahatma Gandhi High Road  
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner  
Hindu Religious and Charitable Endowments  
No.119, Mahatma Gandhi High Road  
Nungambakkam, Chennai - 600 034.

3.The Assistant Commissioner  
Hindu Religious and Charitable Endowments  
No.119, Mahatma Gandhi High Road,  
Nungambakkam, Chennai 600 034.

4.The Executive Officer  
Arulmigu Mangali Amman Temple  
Parangimalai  
Chennai 600 016.

5.J.Jawahar Ali

6.The Thasildar,  
St.Thomas Mount, Chennai-600 016.  
(R6 impleaded vide order dated  
11.03.2020 made in WMP.No.34604/2019  
in W.P.No.28856/2018 by ASMJ)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to take action against the fifth respondent his men, agent, servant and anyone claiming under or through him to recover the temple lands comprised in Survey No.1909, measuring an extent of 36695 in Parangimalai/St.Thomas Mount Village, Alandur Taluk, Kanchipuram District in the tuen with the directions given

passed by this Court in W.P.(MD).No.14428 of 2017 by considering the petitioner's representation dated 11.10.2017.

For Petitioner : Mr.R.Chandrasudan

For Respondent : Mrs.A.B.Reehana Begum for R1 to R3  
Government Advocate (HR & CE)  
Mr.A.K.Sriram for R4  
for M/s.A.S.Kailasam and Associates  
Mr.Rajarajan  
for Mr.N.Sathiyamoorthy for R5  
Mr.R.P.Prathap Singh for R6  
Government Advocate

ORDER

The petitioner has sought a mandamus directing the officials of the HR & CE Department/R3 as well as the Executive Officer of the Arulmighu Mangali Amman Temple, Parangimalai (Temple) to take action against the 5<sup>th</sup> respondent and to recover temple lands comprised in S.No. No.1909, admeasuring 36,695 sq.ft. in Parangimalai/St.Thomas Mount Village, Alandur Taluk, Kanchipuram District in line with the directions issued by a learned single Judge sitting in the Madurai Bench of this Court in W.P.(MD) No.14428 of 2017. Representations are also filed by him periodically which, according to him, have yielded no effect. Hence, the present Writ Petition has been filed.

2. Today, learned counsel for the petitioner would state that orders have been passed on 19.12.2020 as against 11 persons including the 5<sup>th</sup> respondent in terms of Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 directing eviction. The 5<sup>th</sup> respondent has challenged the proceedings by way of a Civil Suit.

3. In the light of the aforesaid, the prayer for mandamus, vis-à-vis, R5 stands achieved and recording the aforesaid, this Writ Petition is closed. Section 78 proceedings will continue as against the other persons covered under order dated 19.12.2020, in accordance with law, and be completed as expeditiously as possible. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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4.The Executive Officer

Arulmigu Mangali Amman Temple  
Parangimalai  
Chennai 600 016.

5.The Thasildar,

St.Thomas Mount, Chennai-600 016.

+1cc to M/s.A.S.Kailasam, Advocate SR.3930

+1cc to the Government Pleader SR.4218

+1cc to the Spl Government Pleader(HR & CE) SR.4468

W.P. No.28856 of 2018

AJS (CO)

CB(17/02/2021)

सत्यमेव जयते

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