



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12963 of 2021

and

W.M.P.[MD]No.10030 of 2021

SP.Murugesan

... Petitioner

Vs.

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Pudukkottai, Tanjavur District.

4. The Executive Officer,
Arulmigu Konnaiyur Muthumariamman Temple,
Ponnamaravathi, Pudukkottai.

5. The Tashildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.3 & 4 to implement the proceedings in Na.Ka.No.12157/2010/C dated 02.08.2010 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Suresh
For Respondents 1 to 3 : Mr.A.K.Manikkam
Standing Counsel for Government
For Respondent No.4 : Mr.G.Mathavan

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition is taken up for final disposal.



2.Heard Mr.M.Suresh, learned Counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 3 and Mr.G.Mathavan, learned Counsel appearing for the fourth respondent.

3.This writ petition has been filed praying for a direction upon the respondents 3 & 4 to implement the proceedings in Na.Ka.No.12157/2010/C dated 02.08.2010.

4.Admittedly, the petitioner is an encroacher and notice under Section 7 of the Land Encroachment Act has been issued and objections have been filed by the petitioner on 11.07.2021.

5.The petitioner would claim that he is awaiting the orders from the Joint Commissioner, Hindu Religious and Charitable Endowments Department and he is with the fond hope that the Joint Commissioner will bring orders in his favour.

6.We fail to understand as to how the Joint Commissioner is empowered to regularize an encroachment into temple land. In any event, action has already been initiated under the Land Encroachment Act. It is open to the petitioner to pursue his objections, which shall be considered in accordance with law.

7.For the above reason, the relief sought for by the petitioner cannot be granted.

8.Accordingly, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Commissioner,
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Chennai.
3. The Joint Commissioner,
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5. The Tashildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-24381[F] dated 29/07/2021)

ORDER MADE IN
W.P. [MD]No.12963 of 2021
28.07.2021

PM(CO)
TR(05.08.2021) 3P 7C