



WEB COPY

W.P.(MD)No.12656 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.12656 of 2021

and

W.M.P. (MD) .No.9866 of 2021

Thennappan

.. Petitioner

Vs

1.The District Collector,
Pudukottai,
Pudukottai 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: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondent Nos.3 & 4 to implement the proceedings in Na.Ka.No.12157/2010/C dated 02.08.2010 within the time stipulated by this Court .

For Petitioner

: Mr.M.Suresh

For respondents

: Mr.A.K.Manikkam for R1 to R3
Standing Counsel for
Government
Mr.G.Mathavan for R4



ORDER

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

We have heard Mr.M.Suresh, learned counsel appearing for the petitioner; Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents 1 to 3 and Mr.G.Mathavan, learned counsel appearing for the fourth respondent.

2. The petitioner seeks for a direction upon the third and fourth respondents to implement the proceedings in Na.Ka.No.12157/2010/C, dated 02.08.2010.

3. An identical issue was considered by us in W.P.(MD)No.12181 of 2021 dated 20.07.2021. The operative portion of the order reads as follows :

"3.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.

4.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.

5.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.

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

7.Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

4. Though the learned counsel for the petitioner would strenuously contend that there are distinguished features, we find that there are no distinguished features in this case.

5. Following the same, this **Writ Petition stands dismissed.** No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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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,
Pudukottai,
Pudukottai District.
- 2.The Commissioner,
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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.

+1 CC to M/s.SPL GP (SR-24414[F] dated 29/07/2021)

W.P.(MD) No.12656 of 2021
and

W.M.P.(MD) .No.9866 of 2021
27.07.2021

MGJ(04.08.2021) 3P 7C