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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .Nos.12529, 12578 & 12607 of 2021

and

W.M.P. (MD) Nos.9806, 9833 & 9843 of 2021

- | | |
|----------------|--|
| 1.Rajamanickam | ...Petitioner in W.P.(MD) No.12529 of 2021 |
| 2.Ganesan | ...Petitioner in W.P.(MD) No.12578 of 2021 |
| 3.Shantha | ...Petitioner in W.P.(MD) No.12607 of 2021 |

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 in all petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus directing the respondents 3 and 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
(in all petitions)

: Mr.M.Suresh

For Respondents 1 to 3 & 5 : Mr.A.K.Manikkam,
(in all petitions)

Standing Counsel for Government



For 4th Respondent : Mr.G.Mathavan
(in all petitions)

COMMON ORDER

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

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Heard Mr.M.Suresh, learned counsel appearing for the petitioners, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 3 and 5 and Mr.G.Mathavan learned Counsel appearing for the fourth respondent.

2. The petitioners seek 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 petitioners would strenuously contend that there are distinguished features, we find that there are no distinguished features in this cases.



5. Following the same, these Writ Petitions stand dismissed. No Costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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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,
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 Tashildar
Ponnamaravathi Taluk,
Ponnamaravathi
Pudukkottai District

+1 CC to M/s.SPL GP (SR-24182,24181,24201[F] dated 28/07/2021)

W.P. (MD) .Nos.12529, 12578 & 12607 of 2021

26.07.2021

RD(3.08.2021) 3P 6C