



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.15206 of 2020

K.Nagarajan : Petitioner

Vs.

1.The District Collector,
Maruthupandiyar Nagar,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer, Sivagangai.

3.The Tahsildar, Taluk Office,
Kalaiyarkovil, Sivagangai District.

4.The President,
Kalaiyarkovil Village Panchayat,
Kalaiyarkovil, Sivagangai District.

5.The Superintendent,
Sivagangai Samasthanam Devasthanam,
Arulmigu Vaal Mel Nadantha Amman Temple,
Kalaiyarkovil, Sivagangai District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to remove the encroachment made in S.No.185/1 in Kalayarkovil Village and Taluk, Sivagangai District and consequently direct the respondents to keep the area as vacant site, free from any encroachment.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader,
for R.1 to R.3

Mr.H.Arumugam, for R.4

Mr.Madhavan, for R.5



ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has come forward to file this writ petition seeking removal or encroachment.

2. On a perusal of the affidavit and the documents filed, we could come to a conclusion that the properties belong to the fifth respondent Temple. The fifth respondent has also earlier filed a writ petition, wherein appropriate order has been passed. It appears that the encroachment is in vogue for decades.

3. In such view of the matter, we direct the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai, to initiate action by invoking Section 78 of the Hindu Religious and Charitable Endowments Act, as against the encroachers and do the needful. Such initiation will have to be made within a period of six weeks from the date of receipt of a copy of this order.

4. We may also note that issuance of patta is only a consequential action, as the decree stands in favour of the fifth respondent and therefore, there is no bar in law for the Joint Commissioner, Hindu Religious and Charitable Endowments Department, to take action.

5. With the above observations and directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Maruthupandiyar Nagar,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Sivagangai.



3.The Tahsildar,
Taluk Office,
Kalaiyarkovil, Sivagangai District.

4.The President,
Kalaiyarkovil Village Panchayat,
Kalaiyarkovil, Sivagangai District.

5. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-4587[F] dated 11/02/2021)
+1 CC to M/s.SPL GP (SR-4670[F] dated 12/02/2021)

W.P. (MD) No.15206 of 2020
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SJ(CO)
TR(23.02.2021) 3P 8C