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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 1234 of 2022

And

M.P.No. 1322 of 2022

A.Saburammal

...Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable
Endowment (Administration) Department
No.119, Uthamar Gandhi Road
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Thangavelalar Street,
Kancheepuram.

3. The Executive Officer,
A/m. Padaladri Sri Narasimma
Singaperumal Koil
Chengleput District.

4. Vijayalakshmi @ Shanthi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the illegal encroachment of fourth respondent herein, on the tenancy property at the petitioner situated in Survey No.58, at No.4/465, Temple Land owned by the Hindu Religious and Charitable Endowment Department, Singaperumal Koil, Chengleput District, by considering the representation of the petitioner dated 5.3.2021 and 20.9.2021 on the file of the respondents 1 to 3 herein to secure the ends of justice.



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For Petitioner : Mr. R.Sankarasubbu

For RR 1 to 3 : Mr. T.Chezhian
Additional Government Pleader
(HR & CE)

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to remove the illegal encroachment of fourth respondent herein, on the tenancy property at the petitioner situated in Survey No.58, at No.4/465, Temple Land owned by the Hindu Religious and Charitable Endowment Department, Singaperumal Koil, Chengleput District, by considering the representation of the petitioner dated 5.3.2021 and 20.9.2021 on the file of the respondents 1 to 3 herein.

2.The petitioner states that she is the tenant under the third respondent temple with 25 years. The third respondent temple recognised the petitioner as tenant during the year 2009 in respect of the property measuring about 2400 sq.ft., in Survey No.58, No.4/465-A, Periyar Street, Singaperumal Koil, Chengleput District. The petitioner is promptly paying the rent till today. Whilso, the fourth respondent taking advantage of the possession of the petitioner and with the help of some muscle power forcibly encroached upon the property now leased out in favour of the petitioner in the year 2009. The rowdy elements put up an illegal occupation of the said premise. They have encroached upon the land leased out in favour of the petitioner.

3. The learned counsel appearing for the petitioner made a submission that the petitioner has no other support and under these circumstances, the fourth respondent illegally encroached upon the leased out premises and in occupation. The attempts made by the petitioner went in vain and she made several representations to the Department.

4.The learned Additional Government Pleader appearing on behalf of the Department based on the written instructions issued by the Executive Officer of the temple in letter dated 29.01.2021 stated that the petitioner is a tenant recognised by the temple authorities. Further, the Department is aware that the fourth respondent is an encroacher and encroached upon the property leased out in favour of the petitioner. Based on the representations submitted by the petitioner, the third respondent initiated action under Section 78 of the HR & CE Act for the purpose of evicting the fourth respondent. The proceedings initiated under Section 78 of the HR & CE Act is in progress and appropriate orders will be passed and thereafter,



all actions will be taken in accordance with the provisions of the Act.

5. This Court is of the considered opinion that the contention of the petitioner that she is a tenant is accepted by the temple authorities. Further, the petitioner states that she was forcibly dealt with by few powerful persons and now the fourth respondent is in illegal occupation of the leased out property. Thus, the fourth respondent is to be evicted immediately.

6. The learned Additional Government Pleader made a submission that actions are initiated under Section 78 of the HR & CE Act.

7. Under these circumstances, the respondent Nos. 2 and 3 are directed to proceed with the eviction proceedings initiated under Section 78 of the HR & CE Act and complete the proceedings within a period of six weeks from the date of receipt of a copy of this order and thereafter, initiate all further actions in accordance with law.

8. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Vsg

To

1. The Commissioner
Hindu Religious and Charitable
Endowment (Administration) Department
No.119, Uthamar Gandhi Road
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Chennai - 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable
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Thangavelalar Street,
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3. The Executive Officer,
A/m. Padaladri Sri Narasimma
Singaperumal Koil
Chengleput District.

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+3cc to M/s.R.Sankarasubbu, Advocate, S.R.No.5550

+1cc to the Special Government Pleader, S.R.No.5810

W.P.No. 1234 of 2022

And

M.P.No. 1322 of 2022

PMK (CO)

RGA (17/02/2022)