



W.P.No.25780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and**

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.25780 of 2022

P.Shanmugam

.. Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Road, Chennai-34.
2. The Commissioner of Police,
Avadi Corporation, Avadi, Chennai 600 053.
3. The District Collector,
Office of the District Collector,
Kanchipuram District.
4. The Revenue Divisional Officer,
Sriperumbudhur Revenue Division,
Kanchipuram District.
5. The Tahsildar,
Kundrathur Taluk, Kundrathur,
Chennai.
6. The Block Development Officer
(Village Panchayat),
Block Development Office,
Padappai, Kanchipuram District.



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7. The Deputy Commissioner/Executive Officer, Sri Kamakshi Amman & Sri Vaikunda Perumal Devasthanam, Maangadu, Chennai 600 122.

8. The Executive Engineer, Operation Maintenance/Porur, Tamil Nadu Electricity Board, Se.Mi.Pa.Va./South, Porur, Chennai-116.

9. Chandra

10.Kannayiram

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 8 to remove the encroachment and to consider and decide the representation of the petitioner dated 06.07.2022 on merits and in accordance with law within a reasonable time as may be determined by the Honourable Court.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.P.Muthukumar
State Govt. Pleader
for RR 1 to 7
: Mr.Jai Venkatesh,
Stdg. Counsel for R-8

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)

Mr.P.Shanmugam, S/o.Perumal, residing in Pudhu Vattaaram, Kovoor, Kanchipuram, has come to this Court for issuance of writ of



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mandamus under Article 226 of the Constitution of India to direct the respondents 1 to 8 to remove the encroachment on the basis of the representation of the petitioner dated 06.07.2022.

2. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 to 7 and Mr.Jai Venkatesh, learned counsel appearing for the eighth respondent, placed on record a copy of the complaint dated 25.09.2022 given by the Deputy Commissioner, Hindu Religious and Charitable Endowments Department to the Inspector of Police, Mangadu Police Station seeking to remove the encroachment made by some private persons in Survey Nos.398 and 399 of Kovoor village blocking the pathway and submitted that based on the said complaint, action has already been initiated. The learned State Government Pleader submitted that as per Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, the Joint Commissioner is empowered to take appropriate action for removal of the encroachment, if found in the land belonging to the HR & CE Department based on the complaint of the Deputy Commissioner and pursuant to the representation of the petitioner dated 06.07.2022.



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3. In view of the aforesaid submission, we hereby direct the Joint Commissioner of the HR & CE Department to consider the complaint of the Deputy Commissioner along with the representation dated 06.07.2022 given by the petitioner and after giving notice to the affected parties, pass final orders for removal of encroachment, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the Writ Petition is, accordingly, disposed of. No costs.

(T.R., ACJ.) (D.K.K, J.)
26.09.2022

Speaking/Non-speaking order

Index : Yes / No

Internet : Yes / No

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T.Raja, ACJ.
and
D.Krishnakumar, J.

(sra)

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