



W.P.(MD) No.3649 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.3649 of 2021

Dr.R.Thiruvankadaswamy

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.



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4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellies Nagar, Madurai.

5.The District Revenue Officer,
District Revenue Office,
Madurai.

6.The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatty, Madurai District.

7.The Tahsildar,
Tahsildar Office,
Usilampatty,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove encroachment made in temple's land in Survey Nos.23/1 to 10, 77/1A, 1B and 46/1 are situated at Jothimanickam Village, Usilampatty Taluk, Madurai District, lands in Survey Nos.35/1, 96/3, 137/8 are situated at Kodikulam Village, Usilampatty Taluk, Madurai District and lands in Survey Nos.362/2, 13/5 are situated at Kovilangkulam Village, Usilampatty Taluk, Madurai District and subsequently direct the respondents to grant patta to temple name in respect of part land in Survey No.85 at Jothimanickam Village, Usilampatty Taluk, Madurai District which is used temple building structure and in and around temple's other usage land situated within a time frame that may fixed by this Court.



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For Petitioner : Mr.K.Saravanan

For Respondents : Mr.P.Suppuraj,
Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Contending that the properties belonging to Arulmigu Perumalsamy Temple of Jothimanickam Village have been encroached upon, the petitioner has filed this Writ Petition.

2. On 09.08.20201, this Court has passed the following order:

“It is contended by Mr.K.Saravanan, learned counsel appearing for the petitioner that the properties belonging to Arulmigu Perumalsamy Temple of Jothimanickam Village have been encroached upon. In this regard, the petitioner approached the Revenue Divisional Officer, Usilampatty. In fact, the Revenue Divisional Officer, Usilampatty, directed the Tahsildar, Usilampatty to measure the properties and find out whether there



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is any encroachment. Since the same has not been done by the Tahsildar, the petitioner has approached this Court with this Writ Petition.

2.Mr.P.Thilakkumar, learned Standing Counsel for Government, appearing for the respondents submitted that the encroachments have been removed and possession has been restored to the temple. The said submission is recorded.

3.An affidavit in this regard has to be filed by the fourth respondent Assistant Commissioner.

4.Call the matter after two weeks.”

However, till date, the fourth respondent has not filed an affidavit indicating the removal of the alleged encroachments.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner would submit that it would suffice, if the representations of the petitioner dated 21.10.2020 and 02.11.2020 are disposed of within a time frame.



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4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representations of the petitioner dated 21.10.2020 and 02.11.2020 will be considered and appropriate action will be taken for removal of encroachments.

5. In view of the above submissions, this Writ Petition is disposed of with a direction to the official respondents to consider the representations of the petitioner dated 21.10.2020 and 02.11.2020, if not considered earlier and if there are any encroachments, remove the same, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]

vsm

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