



W.P.(MD) No.23761 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.23761 of 2022

I.Chandiramohan

... Petitioner

-VS-

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner, HR & CE Department,
No.119, Uthamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai, Tamil Nadu 600 034.

3.The Joint Commissioner, HR &CE Department,
Theppakulam Street,
Neelagiresver Thoppu,
Trichy.

4.N.Rajakumari

5.M.Rukmani

... Respondents

Page 1 of 6



W.P.(MD) No.23761 of 2022

WEB CONTENT

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to take appropriate action against the 4th and 5th Respondents to remove the encroachment made in the Lakshmi Narasinga Perumal Panaiyadi Kamachi temple lands situated in old ward A, New Ward F, Block 10, T.S.No. 73/1, 74, 78, 80, 81, 82 in Theppakulam Trichy and consequently, ensure the opening of Lakshmi Narasinga Perumal Panaiyadi Kamachi temple daily at morning and evening for public worships.

For Petitioner : Mr.A.Azhagesan

For Respondents : Mr.P.Subbaraj
Special Government Pleader (R1 to R3)

ORDER

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

Mr.P.Subbaraj, learned Government Pleader takes notice for respondents 1 to 3.

2. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.



W.P.(MD) No.23761 of 2022

WEB COPY

3. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the 4th and 5th Respondents to remove the encroachments made in the lands of Sri Panaiyadi Kamatchi Amman temple situated in old ward A, New Ward F, Block 10, T.S.Nos. 73/1, 74, 78, 80, 81, 82 in Theppakulam Trichy and consequently, ensure the opening of the said temple and Arulmigu Lakshmi Narasinga Perumal daily on morning and evening for public worship.

4. It is the case of the petitioner that he is a resident of Sinthamani Pajar, Theppakulam, Trichy District and in his area, the aforesaid temple is situated. The above said temple is under the management of HR&CE Department and the third respondent was appointed as the Executive Officer of the said temple. In the year 2015, the fourth respondent was appointed as Managing Trustee of the temple. Thereafter, the 5th respondent was appointed as Managing Trustee for maintaining the temple. After their appointments, the administration of the temple became worst and they failed to open the temple in the morning and evening daily for public worship. Apart from that, the temple properties are illegally encroached by several people and the official respondents failed to take



W.P.(MD) No.23761 of 2022

any action against the encroachers and failed to restore the temple's land. In this regard, though the petitioner made a representation on 29.03.2022, till date, the respondents have not taken to remove the encroachments. Hence, the petitioner has filed this Writ Petition.

5. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions submitted that the official respondents will dispose of the petitioner's representation dated 29.03.2022 within a time frame, for which, the learned counsel for the petitioner is agreeable.

6. In view of the nature of the order proposed to be passed, notice to the respondents 4 and 5 is dispensed with.

7. Recording the above submissions, without going into the merits of the claim made by the petitioner, we direct the third respondent to consider the representation of the petitioner dated 29.03.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner the same shall be removed after giving sufficient opportunity to all



W.P.(MD) No.23761 of 2022

the parties concerned and by following due process of law within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.10.2022

vsm

TO:

- 1.The District Collector,
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W.P.(MD) No.23761 of 2022

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W.P.(MD) No.23761 of 2022

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