



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.17518 of 2019

and

W.M.P. (MD) Nos.14002 to 14004 and 14006 of 2019

Kammavar Primary School,
represented by its Secretary,
D.No.25-4-2,
Vinayagar Koil Street,
Periyapuliampatti,
Aruppukottai,
Virudhunagar District.

... Petitioner

/vs./

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
No.18, Nachi Street,
Virudhunagar.

2.The Inspector,
Hindu Religious and Charitable Endowments,
Aruppukottai,
Virudhunagar District.

3.The Block Educational Officer-I,
Block Educational Office,
Aruppukottai.

4.The District Collector,
Virudhunagar District,
Virudhunagar.

5.Muthuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.72/2019 dated 10.06.2019 quash the same and consequently permit the petitioners to carry out the work in the petitioner's school at Vinayagarkoil Street, Periyapuliampatti, Aruppukkottai as directed in the proceedings of the 3rd respondent proceeding dated 13/05/2019.

For Petitioner : Mr.A.Sivaji
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed for a Certiorarified Mandamus to call for the records of the 2nd respondent dated 10.06.2019 in Na.Ka.No.72/2019, quash the same and consequently to permit the



petitioner to carry out the work in the petitioner's school as directed by the 3rd respondent proceeding dated 13.05.2019.

2. Though the respondents have not filed any counter, it is noticed that the petitioner has challenged the communication exchanged between the 2nd respondent and the 5th respondent, asking the 5th respondent to take appropriate steps against the alleged encroachment of the temple land by the petitioner herein.

3. The challenge to the impugned communication is that the impugned communication deals with the petitioner's school, but no notice has been given to the petitioner. A reading of the impugned communication exchanged between the 2nd respondent and the 5th respondent indicates that there is no final determination and the 5th respondent has merely been asked to take steps.

4. The learned Special Government Pleader for the respondents 1 to 4 submits that the petitioner has completed the construction and therefore, liberty may be given to the temple to collect rent on the encroached area.

5. Whether the petitioner put up the construction by encroaching the temple land or not cannot be determined in this proceedings. The petitioner also cannot challenge the aforesaid communication, which is between the 2nd respondent and the 5th respondent with an instruction to take appropriate action against the petitioner. Any action to be taken against the petitioner needless to state has to be in accordance with law and provisions of the Act and after due notice.

6. Considering the fact that the construction has been completed, liberty is given to the official respondents to take appropriate steps against the petitioner, if there is any encroachment of land. Liberty is also given to the petitioner to workout the remedy before the civil Court.

7. The writ petition is dismissed, in terms of the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

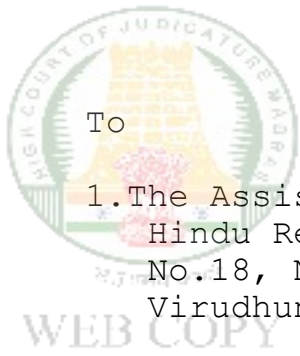
Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)



To

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
No.18, Nachi Street,
Virudhunagar.

2.The Inspector,
Hindu Religious and Charitable Endowments,
Aruppukottai, Virudhunagar District.

3.The Block Educational Officer-I,
Block Educational Office,
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4.The District Collector,
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Virudhunagar.

+1 CC to M/s.SPL GP (SR-11812[F] dated 14/03/2022)

W.P. (MD) No.17518 of 2019
11.03.2022

SS/25.03.2022 : 3P/6C