



W.P.(MD) No.23358 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.23358 of 2022

Perumal

... Petitioner

-Vs-

1.The Commissioner,

Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Sivagangai.

3.The Assistant Commissioner,

Hindu Religious and Charitable Endowments Department,
Virudhunagar.

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4.The Inspector of Hindu Religious and
Charitable Endowments Department,
Srivilliputhur, Virudhunagar District.

5.B.Gobalraja

6.Arulmigu Soudambigaianman

(Soundiamman) Temple,
Arachipatti, Srivilliputhur,
Through its Hereditary Trustee,
The President of Devangar Chettiyar Community.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment of the 5th respondent made in the landed property of 23,803 Sq.ft and buildings thereon situated at Virudhunagar District, Srivilliputhur Town, Perumalpatti, Pillaimar East Street, Town Survey Ward No.3, Town Survey No. 2859/2B belongs to the 6th respondent temple as per Section 78(1) of the Tamil Nadu Hindu Religious Charitable and Endowments Act without insisting change of patta.

For Petitioner	: Mr.K.Sudalaiyandi
For R1 to R4	: Mr.P.Subburaj,
& R6	Special Government Pleader

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ORDER

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

This Writ Petition has been filed, seeking a direction to the respondents 2 and 3 to remove the encroachment made by the 5th respondent in the landed property of 23,803 Sq.ft and buildings thereon situated at Virudhunagar District, Srivilliputhur Town, Perumalpatti, Pillaimar East Street, Town Survey Ward No.3, Town Survey No.2859/2B belongs to the 6th respondent temple as per Section 78(1) of the Tamil Nadu Hindu Religious Charitable and Endowments Act, without insisting change of patta.

2.The grievance of the petitioner is that he already filed W.P.(MD)No.2334 of 2022, seeking a direction to remove the encroachment made by the 5th respondent in the 6th respondent's property, by considering his representation dated 16.03.2020. Recording the submission of the learned Special Government Pleader that the authorities have already initiated action and the enquiry is on, this Court, by order dated 04.02.2022, had granted six weeks time to complete the enquiry and to pass appropriate orders. Despite the said

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order, the authorities concerned did not take any action for removal of the aforesaid encroachment. Hence, the petitioner made a representation dated 16.08.2022 to the respondents 1 to 3. However, the said representation was not considered till date. Hence, this Writ Petition.

3.The learned Special Government Pleader for the respondents 1 to 4 and 6 would submit that the representation of the petitioner dated 16.08.2022 will be considered and appropriate action will be taken to remove the encroachment, if any, within a time frame to be fixed by this Court.

4.In view of the aforesaid submission, this Court, without going into the merits of the claim made by the petitioner, directs the official respondents to consider the representation of the petitioner dated 16.08.2022 and pass appropriate orders on merits and in accordance with law, in the light of the order of this Court dated 04.02.2022 made in W.P.(MD)No.2334 of 2022 and if there is any encroachment found, the same shall be removed by the authorities concerned, after giving sufficient opportunity of hearing to all the parties concerned, including the 5th respondent and by following due process of law.



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Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

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

27.10.2022

Index : Yes / No

Internet : Yes / No

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