



W.P.(MD)No.25598 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

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

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V.Murugesan

... Petitioner

Vs.

- 1.The Secretary to Government,
Hindu Religious Charitable and Endowment Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Commisisoner,
Hindu Religious Charitable and Endowment Department,
Uttamar Gandhi Salai,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious Charitable and Endowment Department,
Tuticorin.
- 4.The Assistant Commissioner,
Hindu Religious Charitable and Endowment Department,
Tuticorin.
- 5.The Takkar,
Arulmigu Rengaraja Perumal Thirukovil,
Hindu Religious Charitable and Endowment Department,
I T M S No. 38230,
Near Police Station,



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Velur Pudukkudi – 628 601.

Having Office at,

The Executive Officer,

Arulmigu Kallapiransamy Thirukovil,

Hindu Religious Charitable and Endowment Department,

Srivaikuntam,

Srivaikuntam Taluk,

Tuticorin District.

6.The District Collector,
Office of the District Collector,
Tuticorin District.

7.The Tahsildar,
Srivaikuntam Taluk,
Srivaikuntam,
Tuticorin District.

8.Durai @ Sudalaikannu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 7 herein to remove the encroachments comprised in S.No. 1/2A 3, S.No.2/5, S.No.2/6, S.No.83/1, S.No.4 A/3, S.No.185, situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and S.No.582/2, 12/2 A3, situated at Velur Adichanallur village, Srivaikuntam Taluk, Tuticorin District more particularly the encroachments made by 8th respondent in S.No. 2/5 and 2/6 situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and to restore the above said lands in the name of Arulmigu Rengaraja Perumal Thirukovil, Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District by considering the petitioner's representation dated 20.09.2022 within the time stipulated by this Hon'ble Court.



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For Petitioner : Mr.P.Mahendran
For Respondents 1 to 4 : Mr.P.Subbaraj
Special Government Pleader
For 5th Respondent : Mr.Muthu Geethaiyan
Standing Counsel
For Respondents 6 and 7 : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 7 herein to remove the encroachments made in S.Nos.1/2A3, 2/5, 2/6, 83/1, 4A/3 and 185, situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and S.Nos.582/2 and 12/2A3, situated at Velur Adichanallur Village, Srivakuntam Taluk, Tuticorin District, more particularly, the encroachments made by 8th respondent in S.Nos.2/5 and 2/6 situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and to restore the above said lands in the name of Arulmigu Rengaraja Perumal Thirukovil, Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District by considering his representation dated 20.09.2022, within a time frame.



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2. Heard Mr.P.Mahendran, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4, Mr.Muthu Geethaiyan, learned Standing Counsel, who accepts notice on behalf of the 5th respondent and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 6 and 7. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 8th respondent is dispensed with.

4. Alleging that the properties belong to 5th respondent temple comprised in S.Nos.1/2A3, 2/5, 2/6, 83/1, 4A/3 and 185, situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and S.Nos.582/2 and 12/2A3, situated at Velur Adichanallur Village, Srivakuntam Taluk, Tuticorin District, were encroached by various persons and more particularly, the properties in S.Nos.2/5 and 2/6, situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District have been encroached by the



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8th respondent, the petitioner submitted a representation to the official respondents on 20.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the respondents 3 to 5 to dispose of his representation dated 20.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 3 to 5 to consider the representation of the petitioner dated 20.09.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 8th respondent and any other parties



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concerned, the authorities concerned shall take necessary action for removal of the encroachment in the temple properties comprised in S.Nos.1/2A3, 2/5, 2/6, 83/1, 4A/3 and 185, situated at Velur Pudukudi Village, Srivaikuntam Taluk, Tuticorin District and S.Nos. 582/2 and 12/2A3, situated at Velur Adichanallur Village, Srivakuntam Taluk, Tuticorin District, 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 weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
10.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The Secretary to Government,
Hindu Religious Charitable and Endowment Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious Charitable and Endowment Department,
Uttamar Gandhi Salai,
Chennai.



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3.The Joint Commissioner,
Hindu Religious Charitable and Endowment Department,
Tuticorin.

4.The Assistant Commissioner,
Hindu Religious Charitable and Endowment Department,
Tuticorin.

5.The District Collector,
Office of the District Collector,
Tuticorin District.

6.The Tahsildar,
Srivaikuntam Taluk,
Srivaikuntam,
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