



W.P.(MD) No.26938 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.26938 of 2022

K.Aravindhan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Hindu Religious and Charitable Endowments
Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Chennai – 600 034.

3.P.Ganesan Sankaran,

4.Kuppamuthu Sankaran

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made (around 24 houses) Survey Nos. 151/1, 151/3, 151/4, around 2.46.50 Hectares which originally belongs to the Yenthal Arulmighu Neelanadapillayar Temple situated at Naatanikottai Village, Thanjavur and thereby dismiss the Hereditary Trustees of the temple for their breach of trust, misappropriation of the properties owned by the temple and acted adversely to the interests of the temple under Sections 53(2) (d), (e) and (j) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 based on petitioner's representation dated 04.05.2022.

For Petitioner : Mr.Ramesh Mahadev
For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 & R2

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made (around 24 houses) in Survey Nos. 151/1, 151/3, 151/4, measuring 2.46.50 Hectares, which



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originally belonged to the Yenthal Arulmighu Neelanadapillayar Temple, situated at Naatanikottai Village, Thanjavur and thereby dismiss the Hereditary Trustees of the temple for their breach of trust, misappropriation of the properties owned by the temple and for having acted adversely to the interests of the temple under Sections 53(2) (d), (e) and (j) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 based on petitioner's representation dated 04.05.2022.

2. It is the claim of the petitioner that the respondents 3 and 4 being the Hereditary Trustees of Arulmighu Neelakandapillaiyar Temple, Yenthanl, Peravoorani Taluk, Thanjavur District, have encroached upon the temple lands in the aforesaid survey numbers and in this regard, though the petitioner made a representation on 04.05.2022 to the respondents, seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.



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3. The learned Government Pleader appearing for the respondents 1 and 2 submitted that the representation of the petitioner dated 04.05.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question, by due process of law, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 04.05.2022, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

vsm

[R.M.D., J.] [J.S.N.P., J.]
02.12.2022



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To

- 1.The Secretary,
Government of Tamil Nadu,
Hindu Religious and Charitable Endowments
Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments
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