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W.P.No.17215 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2.2.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17215 of 2013
and M.P.No.1 of 2013

Hindu Religious And Charitable
Endowments (HR&CE)
Rep. by its Inspector Mrs. N.Jayanthi,
Theradi Street, Polur, Pin-606803,
Thiruvannamalai District.

... Petitioner

Vs.

- 1 The District Collector,
Thiruvannamalai, Thiruvannamalai District.
- 2 The District Revenue Officer
Thiruvannamalai, Thiruvannamalai District.
- 3 The Block Development Officer,
Kalasapakkam Panchayat Union,
Kalasapakkam & Taluk,
Thiruvannamalai District.
- 4 The Tahsildar
Office of The Tahsildar,
Kalasapakkam & Taluk,
Thiruvannamalai District.
- 5 The President
Kampattu Village Panchayat,
Kalasapakkam Taluk,
Thiruvannamalai District.

... Respondents



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Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the 5th Respondent from interfering and put up illegal construction in the Petitioner temple land of Arulmigu Pachayamman Sametha Mannarsamy Temple in Survey No.117/1A measuring 6.75.5 Hectare (17 Acres) of Madhura Panchimapuram Village, Kampattu Village, Kalasapakkam Taluk, Thiruvannamalai District.

For Petitioner : Mr.S.S.Gunaseelan
For Respondents 1, 2 &4 : Mr.R.Anitha, Spl.G.P.
For Respondent No.5 : No appearance

ORDER

The writ petition is filed seeking Mandamus forbearing the 5th respondent from interfering and put up illegal construction in the petitioner's temple land of Arulmigu Pachayamman Sametha Mannarsamy Temple in Survey No.117/1A measuring 6.75.5 Hectare (17 Acres) of Madhura Panchimapuram Village, Kampattu Village, Kalasapakkam Taluk, Thiruvannamalai District.

2. Counsel appearing for the petitioner submits that the entire property in Survey No.17/1A measuring 6.75.5 Hectare (17 Acres) of Madhura Panchimapuram Village, Kampattu Village, Kalasapakkam Taluk, Thiruvannamalai District is a temple property. The 5th respondent has made an attempt to construct Community Hall, however, the same was prevented by way of an interim injunction.

3. The learned Special Government Pleader appearing for the respondents 1, 2 and 4 would submit that as the proposal is of the year 2013, nothing survives for adjudication.



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4. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. A communication dated 28.12.2022 wherein the Commissioner of Panchayat has addressed a letter identifying alternative place since the subject matter of the property where the proposed construction to be made is a temple property. Since the communication itself indicate that the aforesaid property is temple property, the respondent cannot make inroad into the said property by putting up construction.

6. Accordingly, the writ petition is ordered. No costs. Connected miscellaneous petition is also closed.

2.2.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

- 1 The District Collector,
Thiruvannamalai, Thiruvannamalai District.
- 2 The District Revenue Officer
Thiruvannamalai, Thiruvannamalai District.
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- 4 The Tahsildar
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- 5 The President
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