



W.P.No.5339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.Kumaran

.. Petitioner

Vs

- 1 The District Collector
Thiruvannamalai District
Thiruvannamalai.
- 2 The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.
- 3 The Revenue Divisional Officer/
Chairman Sub Divisional Committee
Cheyyar, Thiruvannamalai District.
- 4 The Tahsildar
Cheyyar Taluk, Thiruvannamalai District.
- 5 The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Thiruvannamalai.



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6 S.Gangadaran

7 M.Venkatesan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to remove all encroachments made in S.No.284, New T.S.No.20, Block No.32, Ward A of an extent of 0.41 acres situated at Thriuvathur Village, Cheyyar Town, Thiruvannamalai District as directed in and by the order in Na.Ka.No.A4/28346/2015 dated 15.10.2016 of the second respondent forthwith by considering the petitioner's representation dated 17.12.2021.

For the Petitioner : Ms.C.Sindhuja

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.1 to 4

: Mr.N.R.R.Arun Natarajan
Spl. Govt. Pleader (HR&CE)
for respondent No.5

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

V.Kumaran, son of Venkatesan, a resident of Door No.119/18C, Gandhi Road, Cheyyar, Thiruvannamalai District, has filed this writ petition seeking issuance of a writ of mandamus



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directing respondents 1 to 5 to remove all encroachments made in S.No.284, New T.S.No.20, Block No.32, Ward A of an extent of 0.41 acres situated at Thriuvathur Village, Cheyyar Town, Thiruvannamalai District, as directed in and by the order in Na.Ka. No.A4/28346/2015, dated 15.10.2016 of the second respondent, forthwith by considering the petitioner's representation dated 17.12.2021.

2. Ms.C.Sindhuja, learned counsel appearing for the petitioner, would submit that the land in S.No.284, New T.S.No.20, Block No.32, Ward A of an extent of 0.41 acres situated at Thriuvathur Village, Cheyyar Town, Thiruvannamalai District, is classified as "Sarkar Poramboke – Koil" in the revenue records and the same belongs to Arulmigu Kengaiamman Koil, which is controlled by the Hindu Religious and Charitable Endowments Department as per the letter dated 8.7.2016 sent by the fifth respondent to the second respondent. Complaining that respondents 6 and 7 have encroached an extent of 1650 sq. metres out of 41 cents in the above said land and the remaining portion



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has been encroached by some unknown persons, the petitioner sent a representation to the second respondent on 5.6.2015 and the second respondent, after conducting an enquiry, vide proceedings dated 15.10.2016 directed the third respondent to forthwith remove the encroachments. Since despite such direction issued by the second respondent the encroachments have not been removed, the petitioner sent a series of representations to the respondent authorities on 29.1.2017, 13.11.2017 and 17.12.2021. As the said representations did not evoke any response, the petitioner has been advised to file this writ petition.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing on behalf of the fifth respondent, submitted that the sixth respondent is the temple priest and the seventh respondent is rendering service in the temple by lighting lamps everyday. Since the sixth and seventh respondents are rendering services in the temple on day-to-basis, the temple management will consider them as tenants, if they come forward to pay rent for occupation of the temple land. He submitted that the Hindu



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Religious and Charitable Endowments Department will take care of the temple property and, in any event, there is no encroachment of the temple property as alleged by the petitioner.

4. In view of the submission made by learned Special Government Pleader appearing for the fifth respondent that the sixth and seventh respondents are rendering services on day-to-day basis in the temple and the temple management will consider them as tenants, if they come forward to pay rent for occupation of the temple land, this writ petition is dismissed, more so, when there is no encroachment as alleged by the petitioner. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
24.02.2023

Index : No
Neutral Citation : No
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WEB COPY

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