



WP No.18576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.18576 of 2022

and

WMP No.17911 of 2022

S.Viswanathan

.. Petitioner

-VS-

1. The District Collector,
Ranipet District, Ranipet.
2. The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
No.119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai-600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Regional Transport Office Road,
Phase-2, Sathuvachari, Vellore-632 009.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Regional Transport Office Road,
Phase-2, Sathuvachari, Vellore-632 009.



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5. The Executive Officer,
Sri Konganeeswarar Temple, Nemili Taluk,
Kaveripakkam Post, Ranipet District-632 508.

6. D.Sriram
7. M.Valliammal
8. G.Saravanan
9. D.Thiyagarajan
- 10.M.Moorthy
- 11.S.Muniyandi
- 12.Kuppu @ Kuppammal
- 13.M.Kuppusamy
- 14.M.Jayalakshmi
- 15.S.Kavitha
- 16.C.Amutha
- 17.D.Raja
- 18.A.Gnanasambandam
- 19.G.Soundar Rajan
- 20.M.Meena
- 21.V.Dhayalan
- 22.S.Sudhakar
- 23.J.Banu
- 24.S.Rukmani
- 25.S.Lakshmi Ammal
- 26.A.Arumugam
- 27.A.Mohan @ Mohanraj
- 28.E.Dharani
- 29.E.Srinivasan
- 30.K.Murugan
- 31.G.Murugan
- 32.N.Indrani
- 33.R.Krishnan
- 34.D.Ganapathy
- 35.V.Kuppan
- 36.N.Veeran
- 37.M.Chitra
- 38.A.Mohan @ Mohan Raj
- 39.A.Mohan @ Mohan Raj,
- 30.G.Soundar Rajan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent herein pertaining to the orders passed in Revision Petition Nos.111 to 116, 178 to 200/2020 and 59 to 64 of 2021 D2 dated 17.11.2021 and quash the same and consequently direct the respondents 1 to 5 herein to evict respondents 6 to 40, who are the encroachers inside the Sri Konguneeshwarar Temple premises in Survey No.1274(2), 1276(3), 1279(2)(4), 1282, 1285, 1286(2), 1287(2), 1288(1) in Patta No.21 situated at Kaveripakkam, Nemili Taluk, Ranipet District.

For the Petitioner	:	Mr.G.Karthikeyan for M/s.A.Jagadeeswari
For the Respondents	:	Mr.P.Muthukumar, State Government Pleader, for R-1
	:	Mr.N.R.R.Arun Natarajan Spl.Govt. Pleader (H.R.& C.E) for RR 2 to 4
	:	No appearance for R-5
	:	No appearance for RR-6, 7, 10, 11,14, 22 to 25, 28 and 32.
	:	Mr.K.R.Samratt for RR-8, 9, 13, 15 to 18, 20, 21, 26, 31, 34, 35, 37 and 40.
	:	No appearance for RR-19 and 30
	:	No appearance for RR - 27, 29, 31, 36 and 38
	:	R-33 – died
	:	R-12 – Unclaimed
	:	Batta not paid for R-39

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ORDER

(Made by the Hon'ble Chief Justice)

None appears for the petitioner. We have heard Mr.P.Muthukumar, learned State Government Pleader for respondent No.1, Mr.N.R.R.Arun Natarajan, learned counsel for respondent Nos.2 to 4, HR and CE Department and Mr.K.R.Samratt, learned counsel for respondent Nos.8, 9, 13, 15 to 18, 20, 21, 26, 31, 34, 35, 37 and 40. Against respondent No.12, notice has been returned unserved. Respondent No.33 is dead and batta is not paid as against respondent No.39.

2. The learned counsel for the HR and CE Department submits that in fact the order in revision directing lease, could not have been passed as some of the encroachments are in the water body. 43 encroachments were found, out of that, 35 encroachers only had filed revision before the Commissioner. Out of 35 persons who had filed revision 29 persons are allotted alternate accommodation and six persons already possessed alternate accommodation. The encroachments are also near the tank. The encroachments cannot be made in a water body (tank).



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3. The learned counsel appearing for some of the respondents submits that the alternate accommodation allotted is at a far away place and not suitable.

4. These respondents were rank encroachers and still, alternate accommodation is allotted to them. They cannot be heard to say that the same is not in their comfort zone.

5. In view of the above, the respondent authorities/HR and CE Department is competent to take further action against those persons who already have been allotted alternate accommodation and those who already have alternate places. The Commissioner may reconsider the order dated 17.11.2021 impugned in the present petition.

With the above observation, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.17911 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The District Collector,
Ranipet District, Ranipet.
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