



W.P.No.12428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.12428 of 2023

and

WMP.No.12259 of 2023

Sree Agnieeswarar &
Sree Lakshmi Narayana Perumal Vakaiyara Devasthanams
Rep.by its Hereditary Trsutee
Mrs.Vanitha R.Manickavasagam
No.231, Kilpauk Garden, Kilpauk
Chennai 600 010.

...Petitioner

Vs.

- 1.The Commissioner
Hindu Religious & Charitable Endowments Department
119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034.
- 2.The Joint Commissioner
Hindu Religious Charitable Endowments Department
Chengalpet District @ Kancheepuram
Kancheepuram 631 501.
- 3.The Assistant Commissioner
Hindu Religious Charitable Endowments Department
228, JCK Nagar, Chengalpattu 603 001.
- 4.The Inspector
O/o. Inspector of HR & CE Department
Hindu Religious Charitable & Endowment Department
Cheyyur Taluk, Chengalpet District.



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5.The Block Development Officer (BDO)
Elathur Panchayat, Cheyyur Taluk
Chengalpet District.

6.The Tahsildar
Cheyiur Taluk
Chengalpet District.

7.The Inspector of Police
G-5 Police Station
Koovathur, Chengalpattu District.

8.Sabari

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 3 to 7 to initiate appropriate legal action against the 8th respondent (Civil Contractor) for the illegal and unauthorized constructions, civil works, improvements, concrete columns or any other improvements whatsoever either permanent or temporary in the petitioner “Sree Agnieeswarar & Sree Lakshmi Narayana Perumal Vakaiyara Devasthanam's lands measuring Hectare 0-58.50 ares comprised in Survey No.355 bearing patta No.5 situated in No.105 Kadaloor Village, Cheyur Taluk, Chengalpet District, based on the petitioner's representation dated 20.03.2023 and pursuant to 4th respondent's recommendation letter dated 27.03.2023 and further on the basis of petitioner's complaint dated 06.04.2023 and further directing the respondents 5 and 8 herein not to put up any



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constructions, civil works, improvements, concrete columns or any other improvements whatsoever either permanent or temporary in any mode in the petitioner's temple land as referred above and restore the said lands to its original state in order to cultivate the said lands by fencing.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.K.Karthikeyan for R1 to R4
Government Advocate

Mr.N.R.R.Arun Natarajan for R5

Mr.C.Selvaraj for R6 & R7
Additional Government Pleader

ORDER

The petitioner, who is the hereditary trustee of “Sree Agnieeswarar & Sree Lakshmi Narayana Perumal Vakaiyara Devasthanams, Kilpauk, Chennai, has come up with this Writ Petition seeking a direction to the respondents 3 to 7 to initiate action against the 8th respondent for putting up a illegal construction in the property belonging to the petitioner's temple comprised in S.No.355 bearing Patta No.5 and situated in Kadaloor Village, Cheyur Taluk, Chengalpet District.



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2. According to the petitioner, the above said land belongs to the petitioner's temple and the eighth respondent illegally encroached the said land and put up constructions. It is also stated by the petitioner that the eighth respondent has put up construction, as per the directions of the fifth respondent.

3. The learned Government Advocate appearing for the respondents 1 to 4 submits that already the third respondent vide order dated 22.06.2023 in Na.Ka.No.1753/2023/E1 directed the petitioner herein to submit a proposal for initiation of proceedings under Section 78 of the Hindu Religious & Charitable Endowments Act, against the encroacher. The said submission of the learned Government Advocate is recorded.

4. In view of the submission made by the learned Government Advocate appearing for the respondents 1 to 4, the petitioner is directed to submit necessary proposal before the third respondent for initiating proceedings under Section 78 of the Hindu Religious & Charitable Endowments Act, for removal of encroachment in the petitioner's temple land. If any such proposal is submitted by the petitioner within a stipulated time, the



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third respondent is directed to consider the same in accordance with law and submit his report before the second respondent. On receipt of report from the third respondent, the second respondent shall consider the same on merits and if prima facie satisfied about encroachment shall proceed further in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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2.The Joint Commissioner
Hindu Religious Charitable Endowments Department
Chengalpet District @ Kancheepuram
Kancheepuram 631 501.



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S.SOUNTCHAR, J.

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- 3.The Assistant Commissioner
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- 4.The Inspector
O/o. Inspector of HR & CE Department
Hindu Religious Charitable & Endowment Department
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