



WP No. 16566 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 16566 of 2018

S. Palanivel
Petitioner

..

Versus

1. The Commissioner
Hindu Religious Charitable Endowment
119, Nungambakkam High Way
Nungambakkam, Chennai - 600 034.
2. The District Collector
Dharmapuri.
3. The Superintendent of Police,
Dharmapuri.
4. The Joint Commissioner
Hindu Religious Charitable Endowment,
Kottai Mariamman Complex
Salem - 636 001.
5. The District Registrar,
Dharmapuri.
6. The Fit Person
Arulmigu New Subramania Swamy Temple
Papparapatti, Dharmapuri District.



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7. P.Gnanasekaran

8. P.Arun

9. P.Ashok Kumar

Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 4 to initiate appropriate proceedings to evict the respondents 7 to 9, who encroached in the properties belonging to the 6th respondent temple in Old door No.100 situated at near New Subramania Swamy Temple, Papparapatti Village, Pennagaram Taluk, Dharmapuri District, by considering the petitioner's representation dated 18.09.2017

For Petitioner	:	Mr. R. Marudhachalamurthy
For R1 & R4	:	Mr. M. Rajendran
For R2, R3 & R5	:	Mr. A. Selvendran Special Government Pleader
For R7 to R9	:	Mr. P. Gopalan

ORDER

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

This writ petition has been filed by the petitioner seeking a direction to the respondents 2 to 4 to initiate appropriate proceedings to evict the respondents 7 to 9, who have encroached the properties belonging to the 6th respondent temple, in Old door No.100, situated near New Subramania Swamy Temple, Papparapatti Village, Pennagaram Taluk, Dharmapuri District by considering his representation dated 18.09.2017.

2. In the affidavit filed in support of the writ petition, it is stated by



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the petitioner that he is an ardent devotee of the deity - Arulmighu Subramaniya Swamy Temple, Papparapatti Village, Pennagaram Taluk, Dharmapuri District and he regularly participates in the religious and spiritual festivals conducted thereof. It is stated by the petitioner that the property in question has been purchased in the name of the sixth respondent temple on 19.12.1998 and the income generated thereof is utilised for maintenance of the temple. While so, the seventh and eighth respondents have encroached upon the property of the temple and made a rival claim. The petitioner immediately submitted a representation dated 16.03.2014 to the fourth respondent for removal of the encroachment, but there was no response. The petitioner therefore written a letter dated 18.09.2017 to the Honourable Chief Minister's Grievance Cell and it was forwarded to the third respondent for necessary action. Even thereafter, no action has been taken and therefore, the petitioner submitted another representation dated 19.09.2017 to the respondents. On receipt of the same, the second respondent, by a communication dated 19.09.2017, directed the Revenue Divisional Officer, Dharmapuri to take necessary action and to submit a report. On the basis of such direction, the Revenue Divisional Officer called upon the petitioner to appear for an enquiry on 16.10.2017. The petitioner also attended an enquiry and produced documentary evidence to show that the land in question belong to the sixth



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respondent temple but it was encroached upon by the seventh and eighth respondents. After such enquiry, the Revenue Divisional Officer did not take any action and the seventh and eighth respondents continued to occupy the temple land, hence, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that it would be suffice if a direction is given to the fourth respondent to consider the representation dated 18.09.2017 submitted by the petitioner and to proceed further in accordance with law.

4. The learned counsel appearing for the fourth respondent has no serious objection for issuing such a direction to the fourth respondent to pass appropriate orders on the representation dated 18.09.2017 of the petitioner.

5. Considering the limited nature of the relief sought for by the petitioner, this court, without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 18.09.2017, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy



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of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed forthwith, after following due process of law.

6. Accordingly, this writ petition is disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
09.02.2023

Index : Yes / No
Internet : Yes / No
av/rsh

To

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Nungambakkam, Chennai - 600 034.
2. The District Collector,
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3. The Superintendent of Police,
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6. The Fit Person,



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Arulmigu New Subramania Swamy Temple,
Papparapatti, Dharmapuri District.

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MOHAMMED SHAFFIQ, J

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