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Contempt Petition No. 1653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 1653 of 2023

A.K.Vijayageetha

... Petitioner

-VS-

J.Kumaragurubaran,
The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai – 600034.
Presently
Secretary to Government,
Information Technology and Digital Services Department,
Fort St. George,
Chennai – 600009.

... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent for having committed wilful disobedience of the Order dated 26.05.2022 in W.P. No. 13035 of 2022 passed by this Hon'ble Court.

For Petitioner : Mr. K.Ganesan

For Respondent : Mr. K.Karthikeyan,
Government Advocate



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ORDER

Heard Mr. K.Ganesan, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition is prosecuted for failure of the Respondents to comply with the order dated 26.05.2022 in W.P. No. 13035 of 2022 passed by the Court, which reads as follows:-

“7. Under these circumstances, the first respondent is directed initiate all appropriate action to protect the temple properties and further, initiate action to evict the encroachers and take possession of the temple properties and deal with the same in accordance with the provisions of the Act and Rules. The said exercise is directed to be done within a period of twelve weeks from the date of receipt of copy of this order.”



3. Learned Government Advocate appearing for the Respondent has filed a

memo dated 16.11.2023 in which it has been stated as follows:-

“ The land in Palnankuppam Village, Tirupathur in S.No.226/11 measuring about 3.34 acres belongs to Arulmigu Ramanathaswamy Temple and is classified as Arulmigu Ramanathaswamy Kovil (Melam Uthal) in the 'A' Register of the year 1916. The said land is in encroachment. Since it is a service inam and the service is not being conducted, the said land can be resumed in favour of the temple by resorting to the Section 41 of the TN HR & CE Act.

In this regard, the Executive Officer of the temple filed an Application dated 15.09.2023 before the District Collector, Tirupathur and the same has been registered as E-File No.37709/2023-D3. The Executive Officer of the temple had again submitted a reminder on 03.11.2023 and 06.11.2023 before the District Collector, Tirupathur. The District Collector, Tirupathur has fixed the enquiry on 20.11.2023 in the application filed by the Executive Officer of the temple.”



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In view of the same, nothing remains for further consideration in the Contempt Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Contempt Petition is closed with the aforesaid observations.

No costs.

16.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.02.2024.

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To

The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai – 600034.



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P.D. AUDIKESAVALU, J.

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