



W.P.No.20224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM :

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

AND

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

W.P.No.20224 of 2023

G.Nirmal Kumar

.. Petitioner

Vs

1. The District Collector
Villupuram
Villupuram District.
2. The Revenue Divisional Officer
Villupuram
Villupuram District.
3. The Thasildar (Revenue)
Melmalayannur Taluk
Thiruvannamalai
Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to remove the encroachments in "Sri Thandeshwari Samatha Thandeshwarar Thirukovil" property situated in Survey Nos.78/11 and 79 at Melmalayannur, Melmalayannur Taluk, Villupuram District within a stipulated time.



WEB COPY



W.P.No.20224 of 2023

For the Petitioner : Mr.D.Ajith Kumar
for Mr.M.Sathish Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Special Government Pleader

ORDER

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

We have heard Mr.D.Ajith Kumar, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that in Survey No.78/11 a temple exists. It is an old temple. Some encroachments are made in Survey Nos.78/11 and 79, however no steps are undertaken by the respondents.

3. Learned State Government Pleader, on the basis of a report of the Revenue Tahsildar, submits that the land comprised



W.P.No.20224 of 2023

in Survey No.78/11 to an extent of 2750 sq. mtrs. is classified as “Natham” as per the village accounts. Survey No.78/11 is subdivided into several sub-divisions which are all in the names of the village public as individual patta. The Thandeswarar Sivan Temple is situated in Survey No.78/11N to an extent of 00070 sq.mtrs. vide Patta No.2. It is admitted that there are encroachments in Survey No.79/1 and Form-I notice has been forwarded to the concerned Joint Commissioner, Hindu Religious and Charitable Endowments Department, to remove the encroachments in Survey No.79/1 and take further necessary action in that regard.

4. In view of the report of the Tahsildar, the Commissioner, Hindu Religious and Charitable Endowments Department and/or the authorities shall take action with regard to the alleged encroachments in accordance with the procedure and law expeditiously.



W.P.No.20224 of 2023

WEB COPY

The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

10.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The District Collector
Villupuram
Villupuram District.
2. The Revenue Divisional Officer
Villupuram
Villupuram District.
3. The Thasildar (Revenue)
Melmalayannur Taluk
Thiruvannamalai
Villupuram District.



WEB COPY



W.P.No.20224 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

(sasi)

W.P.No.20224 of 2023

10.07.2023