



W.P.No.21620 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

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

AND

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

W.P.No.21620 of 2023

K.M.P.Murugesan

.. Petitioner

Vs.

1. The District Collector
Collectorate
Erode – 638 011
Erode District.
2. The Revenue Divisional Officer
Gobichettipalayam
Erode District.
3. The Revenue Tahsildar
Anthiyur Taluk
Erode District.
4. The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Coimbatore 641 018.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to remove the entire encroachments in the temple lands measuring 0.69.5 Hectare in S.F.No.167, 0.58.5 Hectare in S.F.No.174 and cremation/burial ground measuring 0.48.0 Hectare in S.F.No.134, Kuppandapalayam Village, Anthiyur Taluk, Erode District by considering my representation dated 30.01.2023 and 22.03.2023.

For the Petitioner : Mr.N.Manoharan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 3

Mr.N.R.R.Arun Natarajan
Special Government Pleader
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Manokaran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the



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respondents 1 to 3 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the fourth respondent.

2. Learned counsel for the petitioner submits that the property bearing S.No.134 is a temple property and is being used for cremation. So also, there are encroachments made.

3. As far as S.Nos.167 and 174 are concerned, learned Special Government Pleader submits that some encroachment is found and legal process under Section 78 of Hindu Religious and Charitable Endowment Act is resorted to.

4. In view of that, we are not inclined to pass any further orders in the matter. It is for the authority to take steps in accordance with law and by following the principles of natural justice.

5. As regards burial ground, the petitioner may approach the authority concerned. On receipt of any such application, the authority concerned may consider it on its own merits.



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

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

(P.D.A., J.)

24.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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

(kpl)

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