



W.P.No.26489 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26489 of 2022

Sridhar

.. Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Chennai 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Vellore District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Gudiyatham Taluk
Vellore District.
4. The Executive Officer
Arulmigu Anumantharayaswami Temple (TM004745)
Morasapalli 635 801
Vellore District.

5. Prema @ Premavathy

.. 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 3 to remove the encroachment made by the private respondent in Arulmigu Anumantharayaswami Temple situated at S.No.209, Morasapalli Village, Gudiyatham Taluk, Vellore District based on the representation dated 24.08.2021.

For the Petitioner : Mr.G.Vinodhkumar

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. Govt Pleader (HR & CE)
for Respondents 1 to 3

Mr.N.Palani Kumar
For Mr.P.Kannan Kumar
for Respondent-5

No appearance
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Vinodhkumar, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the respondents 1 to 3 and Mr.N.Palani Kumar, learned counsel for Mr.P.Kannan Kumar, learned counsel for the fifth respondent.



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2. The petitioner seeks direction against the respondents 1 to 3 to remove the encroachment made by the fifth respondent in Arulmigu Anumantharayaswami Temple situate at S.No.209, Morasapalli Village.

3. A counter has been filed by the third respondent. It is submitted that the son of the fifth respondent has been appointed as Hereditary Trustee of the temple and is managing and administering the temple. The trees are not cut. There are 70 teak trees in S.No.209/1.

4. According to learned Special Government Pleader, there are other encroachments in the temple. The son of the fifth respondent had sent a requisition letter dated 04.12.2023 seeking assistance of the Special Tahsildar, Vellore to measure the houses encroached by the encroachers of the aforesaid temple properties, so as to enable him to initiate legal proceedings against them under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The



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said letter is forwarded to the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Vellore, by the Assistant Commissioner.

5. In the light of the above, it appears that the present writ petition is based on erroneous facts. The writ petition, as such, is dismissed. There will be no order as to costs. Consequently, W.M.P.No.25553 of 2022 is also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)

11.12.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Chennai 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Vellore District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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