



WEB COPY



WP No.10142 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

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

Writ Petition No.10142 of 2017

G.Rajendran

.. Petitioner

Versus

1. The District Collector
Office of the District Collector
Ariyalur District
Ariyalur.
2. The Revenue Divisional Officer
Udayar Palayam (Post & Taluk)
Ariyalur District
3. The Thasildar
Jayamkondam
Ariyalur District
4. The Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
5. Mr. Paneer Selvam

(R4 & R5 are *suo motu* impleaded as per order dated
24.04.2017 passed in W.P.No.10142 of 2017)

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent herein to initiate necessary action based on the latest representation of the petitioner dated 09.01.2017, pursuant the orders of the 3rd respondent Thasildar order dated 13.10.2016 within a stipulated time.

For Petitioner : Mr. M. Balasubramanian.

For Respondents : Mr. A. Selvendran
Special Government Pleader for R1 to R3.

Mr. N.R.R.Arun Natarajan
Special Government Pleader for R4

No appearance for R5.

ORDER

(Order of the Court was made by R. MAHADEVAN, J)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the first respondent herein to initiate action for removal of the encroachment made by the fifth respondent herein, based on the order dated 13.10.2016 passed by the third respondent and by considering the representation of the petitioner dated 09.01.2017.

2. The petitioner is the Treasurer of Arulmighu Sornambigai Udanurai Chenneswarar Temple Thirupani and Administrative Committee. According to the petitioner, the land comprised in Survey No. 189/7 measuring 0.25 acres classified as "Chennakeswarar Temple Pathway Poromboke" in



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Jayankondam Village has been occupied by the fifth respondent herein without any right. The petitioner therefore given a complaint to the respondents 1 to 3 to remove such encroachment caused by the fifth respondent. Based on such representation, the third respondent, in his proceedings dated 13.10.2016, directed the concerned officials to remove the encroachment caused by the fifth respondent. However, no action was taken thereof, which prompted the petitioner to submit another representation dated 09.01.2017 but it also has not yielded the desired result, hence, he has filed this writ petition.

3. When this writ petition is taken up for consideration, the learned Special Government Pleader for the fourth respondent produced a copy of the communication dated 07.02.2023 of the Executive Officer, Arulmighu Viswanathaswamy Thirukoil, Kamatchipuram, Thiruvudaimarudur Taluk, Thanjavur District wherein it was stated that the proceedings under Section 78 of the Tamil Nadu Hindu Religious Charitable Endowments Act, 1959, for removal of encroachment, had already been initiated. The learned Special Government Pleader also stated that in fact, challenging the same, Writ Petition Nos. 21437 to 21439 of 2017 have been filed by the aggrieved person before this Court, hence, nothing survives for adjudication in this writ petition.



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4. In the light of the above submissions of the learned Special Government Pleader for the fourth respondent that challenging the notice issued under Section 78 (2) of the HR & CE Act, the aggrieved persons have already filed WP Nos. 21437 to 21439 of 2017 before this Court, no further order is required to be passed in this writ petition. Accordingly, this Writ Petition is dismissed. No costs.

[R.M.D., J] [M.S.Q., J]
08.02.2023

ay/rsh

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

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