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W.P.No.27897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27897 of 2023

A.Radhakrishnan,

...Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious Charitable @ Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.
2. The District Collector,
Thiruvallur District.
3. The Superintendent of Police,
Thiruvallur District.
4. The Regional Deputy Director of Survey
and Land records,
Chepauk,
Chennai – 5.
- 5.The Joint Commissioner,
Hindu Religious Charitable & Endowments Department,
Kancheepuram District.
6. The Assistant Commissioner,
Hindu Religious Charitable & Endowments Department,
Thiruvallur District.



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7. The Fit Person,
Arulmigu Lakshmi Narasingaperumal Thirukoil,
Vallur (c) Village,
Ponneri Taluk,
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 5 to 7 to secure and safeguard the properties belonging to the 7th respondent temple along with the respondents 2 to 4 by considering petitioner representations dated 14.05.2019 and 30.08.2023.

For Petitioner : Mr.A.Yogaraj

For Respondents 2 to 4 : Mrs.S.Anitha
Special Government Pleader

For Respondents 1,
5 to 7 : Mr.K.Karthikeyan,
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1, 5 to 7, to secure and safeguard the properties of the 7th respondent temple by considering his representation dated 14.05.2019 and 30.08.2023.



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2. According to the petitioner, the properties of the 7th respondent temple situated in S.F.No.823/49 with an extent of 1.43 cents, S.F.No.823/52 with an extent of 63 cents, S.F.No.823/55 with an extent of 26 cents and S.F.No.1077 with an extent of 3.96 cents at Vallur (c) Village, Ponneri Taluk, Tiruvallur District are under the illegal occupation. In this regard, the petitioner submitted a representation to the 1st respondent on 14.05.2019, making a request to survey the properties and bring the properties for open auction. The said representation has not been considered by the respondent. Therefore, the petitioner is before this Court.

3. Mrs. S. Anitha, learned Special Government Pleader takes notice for the respondents 2 to 4. Mr. K. Karthikeyan, learned Government Advocate (HR & CE) who is taking notice for the respondents 1, 5 to 7, on written instructions from the 7th respondent submits that the property of the temple in S.F.No.1077 with an extent of 3.96 cents, was brought for open auction and already let out to one Babu and in respect of properties in other survey numbers, after conducting survey of said properties, the same will be brought for open auction. The learned Government Advocate appearing for the respondents further submits that the petitioner submitted a representation on



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14.05.2019, therefore, he may be directed to submit a fresh representation before the respondent.

4. In view of the submission made by the learned Government Advocate appearing for the respondents, this Court without expressing any opinion on the merits of the claim made by the petitioner, is inclined to direct the petitioner to submit a fresh representation to the 6th respondent within a period of two weeks from the date of receipt of copy of this order. On submission of the said representation, the 6th respondent is directed to consider the same and pass final orders on merits and in accordance with law within a period of six weeks thereafter.

5. With the above directions, the writ petition stands disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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