



Cont. Petn. No.655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

Cont. Petn. No.655 of 2023

K.G.Krishnan

...Petitioner

//vs/

1. J.Kumara Gurubaran, I.A.S.,
The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Chennai 600 034.

2. The Trustee,
Arulmigu Annamalainadhar Temple,
Kadayanallur Nagar and Circle,
Tenkasi District.

(R2 impleaded as per the order of the Court dated 07.07.2023
made in Cont.Petn.No.655/2023.)

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act to issue notice and punish the respondents for disobeying the order passed by this Court in W.A.No.1536/2014 dated 23.03.2018.

Page 1 of 5



Cont. Petn. No.655 of 2023

For Petitioner : Ms.Surasik Parthasarathy
for Mr.R.Parthasarathy
For Respondents : Mr.Yashwanth, Addl.Govt.Pleader
for first respondent
Mr.T.Mohan, Senior Counsel
for Mr.Abhinav parthasarathy
for second respondent

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

Today, when the matter was listed for hearing, the learned Additional Government Pleader has placed a Status Report before this Court, filed by the Executive officer of the Arulmighu Gopalakrishnan Swamy Vagaiyara Temple, dated 20.09.2023, wherein at paragraph Nos.5 and 6, it is stated as follows.

5. I submit that, in compliance to the directions of this Hon'ble Court, I have already filed a status report about the action taken by me, which may be read as part and parcel of this status report. In order to implement the above order, I measured the disputed property and gathered the particulars of encroachers. Thereafter, I issued a legal notice to the encroachers to vacate the encroached property and to hand over the same to the temple. In spite of that notice, the encroachers did not come forward to remove the encroachment.



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Cont. Petn. No.655 of 2023

6. I submit that since there was a stay against the appointment of the Executive Officer of the temple, the trustee of the temple initiated the eviction process by filing the eviction petition against the encroachers under Section 78 of the HR & CE Act before the Joint Commissioner, Thoothukudi. The trustee of the temple filed 81 cases against encroachers, among the 81 cases, 36 cases were ordered for eviction, one case posted for filing counter, 35 cases posted for cross examination of the petitioner witness and the 9 cases posted for summon to the respondent.

2. According to the respondents, pursuant to the direction of this Court, they have initiated action under Section 78 of the HR & CE Act for evicting the encroachers, by following the procedures, as contemplated under the Act and the said proceedings will be concluded at an earliest, without any delay.

3. The learned counsel appearing on either side submitted that the parties are agreed to co-operate for enquiry to be conducted by the authorities concerned under Section 78 of the H .R & C.E.Act.



Cont. Petn. No.655 of 2023

4. Recording the above status report as well as the submission made by the learned counsel appearing for both the parties, this contempt petition is closed. Liberty is granted to the petitioner to file an application seeking compliance of the order passed in W.A.No.1536/2014, dated 23.03.2018, if required.

(D.K.K.J.) (P.B.B.J.)

22.09.2023

Internet: Yes/No
Index : Yes/No
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Cont. Petn. No.655 of 2023

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and

P. B.BALAJI, J.

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Cont.Petn.No.655 of 2023

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