



W.P.No.31718 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31718 of 2023

P.Srinivasan

.. Petitioner

Vs.

1. The Commissioner
Hindu Religious & Charitable
Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, chennai 600 034.
2. The Joint Commissioner
Hindu Religious & Charitable
Endowments Department
Perundurai, Erode.
3. The District Collector
District Collectorate Office
Namakkal.
4. The Assistant Commissioner
Hindu Religious & Charitable
Endowments Department
District Collectorate, Namakkal.



W.P.No.31718 of 2023

5. The Superintendent of Police
Namakkal Police SP Office
Tiruchengode, near Collectorate Office
Namakkal, Namakkal.

6. The Revenue Division Officer
Revenue Divisional Office
Mohanur Road, Namakkal.

7. The Tahsildar
Tahsildar Office
Rasipuram Circle, Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the second respondent to implement the order issued by the fourth respondent in Na.Ka.No.2194/2017/A4 dated 25.03.2022 and to take appropriate steps to remove the encroachment pathway laid in the survey No.273, on the Southern Side, heading towards west to east, thereby encroaching the land belongs to the Arulmigu Nageswara Swami Temple, Sarkar Nattamangalam Village, Namakkal.

For the Petitioner : Ms.T.Dharani

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. Government Pleader (HR & CE)
for R1, R2 and R4

Mr.K.Karthik Jagannath
Government Advocate
for R3, R6 and R7

Mr.R.Muniyapparaj
Additional Public Prosecutor
for R5



W.P.No.31718 of 2023

WEB COPY

ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.T.Dharani, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondents 1, 2 and 4, Mr.K.Karthik Jagannath, learned Government Advocate for respondents 3, 6 and 7 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for respondent 5.

2. Learned counsel for the petitioner submits that there is a pathway in S.No.273 on the southern side, heading towards west to east. Further encroachment has been committed on the said pathway by one K.P.Subramaniam and also by some other persons.

3. On 25.03.2022, an order was passed that two roads are available to Mr.K.P.Subramaniam and his neighbours. The pathway was encroached on the east-west direction and was formed in 0.30 acre of land, which was evicted.



W.P.No.31718 of 2023

WEB COPY

4. There is one civil suit pending in this regard, and the details of the said suit is also not provided with.

5. In case the petitioner's right to use the pathway is being affected, the petitioner may take appropriate steps by filing appropriate proceedings.

6. The petitioner may file a civil suit or such other proceedings as may be permissible under law. In that event all contentions of the respective parties are kept open.

7. Accordingly, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.31352 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.31718 of 2023

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W.P.No.31718 of 2023

THE HON'BLE CHIEF JUSTICE
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