



WEB COPY

W.P.No.31056 of 2



THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.31056 of 2023
and
WMP.No.30693 of 2023

D.Sureshbabu

...Petitioner

Vs.

1.The Joint Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Coimbatore – 18.

2.M/s.Gowmara Madalayam,
Rep. By Sri Kumaraguruvara Swamigal,
70, Gowmara Madalayam, Chinnavedampatti,
Coimbatore – 29.

3.P.Rathinam

4.The Sub-Registrar,
Gandhipuram – 641 035.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, directing the 1st respondent to remove the encroachment put up in S.F.No.7/3, Saravanampatti Village,



Coimbatore measuring an extent of 9.54 acres belonging to the 2nd respondent Trust as contemplated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1956.

For Petitioner : Mr.S.Mukunth, Senior Advocate
for M/s.Sarvabhauman Associates

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader for R1
Mr.A.Selvendran
Special Government Pleader for R4

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN, J.)

The Writ Petitioner seeks a Writ of Mandamus, directing the 1st respondent / Joint Commissioner, Hindu Religious & Charitable Endowments Department, Coimbatore to initiate action as against the 3rd respondent, who they claim has encroached upon the property belonging to the 2nd respondent Mutt.

2.From the typed set of papers, we notice that the petitioner has not made any representation to the 1st respondent. Liberty is granted to the petitioner to make a representation to the jurisdictional Assisstant



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Commissioner, who shall, if he finds that the property is susceptible under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1956 shall initiate appropriate proceedings. It is made clear that the aspect of jurisdiction is not gone into by us. It is for the Assistant Commissioner/ Joint Commissioner, who decide on the said issue.

3.With the above liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.B.C.,J.) (V.L.N., J.)
26.10.2023

mkn/kkn

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking
Neutral Citation : Yes/No



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D.BHARATHA CHAKRAVARTHY, J.
and
V.LAKSHMINARAYANAN, J.

MKN/KKN

To:-

- 1.The Joint Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Coimbatore – 18.
- 2.The Sub-Registrar,
Gandhipuram – 641 035.

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