



W.P.No.32369 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32369 of 2023

D.Murugaiyan

.. Petitioner

Vs.

1. The Secretary
Government of Puducherry
Department of Hindu Religious Institutions and Wakfs
Goubert Avenue, Beach Road
Pondicherry.
2. The Commissioner
Hindu Religious Institutions and Charitable Trusts
III Floor, Valuthavur Road
(Near Rani Hospital), Pettaiyanchatram
Pondicherry – 9.
3. The Secretary
Government of Puducherry
Department of Revenue and Disaster Management
Goubert Avenue, Beach Road
Pondicherry.

4. P.Krishnasamy

.. Respondents



W.P.No.32369 of 2023

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 3 to take action against the fourth respondent encroacher and his men or agents or any other person claiming under him from the temple property belonging to Shri Vedapureeswarar Varadharaja Perumal Temple situated in Ward-C Block-15 T.S.No.49 R.S.No.239/pt in Puducherry Revenue Village Extent 1650 Sq.ft located within the Puducherry Taluk, Puducherry Municipality.

For the Petitioner : Mr.C.Vigneswaran

For the Respondents : Mr.V.Vasantha Kumar
Additional Govt. Pleader
(Puducherry)
for R1 to R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.C.Vigneswaran, learned counsel for the petitioner and Mr.V.Vasantha Kumar, learned Additional Government Pleader (Puducherry) for respondents 1 to 3.

2. The petitioner seeks a direction to take action against the fourth respondent as an encroacher. He relies upon the order dated 09.01.2020 passed by the Commissioner of Hindu Religious Institutions and Wakfs Department. He also refers to the order dated 16.02.2017, rejecting the application filed by the fourth respondent



W.P.No.32369 of 2023

WEB COPY for issuance of patta.

3. The order dated 16.02.2017 refers to the deed of agreement dated 06.05.1922. It is observed in the said order by the Settlement Officer that the said Krishnasamy Mudaliar cannot alienate the land by possession either by mortgage or by donation or by sale.

4. The said deed of agreement is not placed on record. In absence of the relevant documents, it will not be possible to pass any orders in the writ petition.

5. In case the petitioner comes across authentic documents to suggest about the encroachment, as alleged, then it will be open for the petitioner, if aggrieved, to file appropriate petition.

6. In light of the above, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

16.11.2023

Index : Yes/No
Neutral Citation : Yes/No



W.P.No.32369 of 2023

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W.P.No.32369 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.P.No.32369 of 2023

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