



W.P.No.17705 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.17705 of 2017 &
W.M.P.No.19207 of 2017

K.Ponnusami

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Namakkal.
- 2.The District Revenue Officer,
Office of District Revenue Officer,
Namakkal.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Namakkal.
- 4.The Tahsildar,
Office of Tahsildar,
Tiruchengode Taluk.
- 5.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.



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6.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem.

7.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmighu Ponkalamman Temple,
Unjanai Village, Tiruchengode Taluk,
Namakkal District.

... Respondents

(R5 to R7 are impleaded vide order dated 03.12.2018
made in W.M.P.No.29443 of 2017 in
W.P.No.17705 of 2017)

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent pertaining to the notices dated 04.07.2017 and 27.06.2017 issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same and consequently forbear the respondents, their men, representatives and agents from interfering with the petitioner's possession and enjoyment of the aforesaid property situate in S.No.103/1, Unjanai Village, Tiruchengode Taluk, Namakkal District.

For petitioner : Mr.P.Valliappan
Senior Counsel

For respondents : Mr.A.Selvendran
Special Government Pleader for R1 to R4

Mr.M.Rajendran for R5 & R6

Mr.Avinash Wadhwani for R7



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ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The petitioner has filed this writ petition to quash the notices dated 04.07.2017 and 27.06.2017 issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 and to forbear the respondents from interfering with his peaceful possession and enjoyment of the property situated in S.No.103/1, Unjanai Village, Tiruchengode Taluk, Namakkal District.

2. The learned counsel for the petitioner submitted that the subject land belongs to Arulmighu Ponkalamman Temple and the petitioner has no claim over the same. The learned counsel further submitted that in order to protect the interest of the temple, the petitioner has preferred this writ petition and he has not made any encroachment over the temple property.

3. The learned counsel for the respondent authorities produced a copy of the communication dated 24.01.2023 sent by the Executive Officer of the subject temple, wherein, it is categorically stated that the subject land belonging to the temple including 0.10 cent of the land on the southern side has been in possession and enjoyment of the temple. Thus, according to the learned counsel, nothing survives for further adjudication in this writ petition.



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4. Recording the above, this writ petition stands closed. However, it is made clear that the land belonging to the temple shall be utilised only for the purpose of temple. No costs. Consequently, connected miscellaneous petition is also closed.

[R.M.D.,J.] [M.S.Q., J.]
24.01.2023

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To

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Arulmighu Ponkalamman Temple,
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and
MOHAMMED SHAFFIQ, J.

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