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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.28126 of 2018, 12070 of 2019 &
Cont.P.No.1855 of 2019

B.Parthasarathy Pillai

.. Petitioner in both W.Ps.
& Cont.P.

Vs.

The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Mahatma Gandhi Road
Nungambakkam, Chennai 600 034.

The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Chennai District
No.119, Mahatma Gandhi Road
Nungambakkam, Chennai 600 034.

The Deputy Commissioner
Hindu Religious and Charitable Endowments Department
Chennai District
No.119, Mahatma Gandhi Road
Nungambakkam, Chennai 600 034.

The Assistant Commissioner



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Chennai.

The Assistant Commissioner
Hindu Religious and Charitable Endowments
Sri Parthasarathi Swamy Thirukkoil
Triplicane, Chennai 5.

The Executive Officer
Sri Parthasarathi Swamy Thirukkoil
Triplicane, Chennai 5.

The Tahsildar
Guindy Taluk, Chennai District.

The Trustees of Sri Parthasarathy Swami Devasthanam
Triplicane, Chennai 5.

The District Registrar
Chennai-South Registration District
Saidapet, Chennai 600 015.

The District Registrar
Chennai-Central Registration District
No.182, Bharathi Salai (Pycrafts Road)
Royapettah, Chennai 600 014.

The Registrar
T.Nagar Sub-Registration Office, Chennai.

The Registrar
Kodampakkam Sub-Registration Office
Chennai.

.. Respondents 1 to
12 in both W.Ps.

The Inspector of Police
R-4, Pondy Bazar Police Station
Chennai.

.. Respondent-13
in WP 12070/19



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Rajendran

.. Respondent-14
in WP 12070/19
& Respondent-2
in Cont.P.

Srineevasan

.. Respondent-1 in
Cont.P.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking

(i) a writ of of Mandamus directing the 6th respondent to take speedy/immediate appropriate action against the encroachers of the temple properties in the land measuring 2 acre and 64 cents in Old S.No.470 and 472, T.S.No.4626, 4653, 7571/1 and 7571/2 of T.Nagar Village, Block No.103, Formerly Guindy-Mambalam Taluk, presently Mambalam Taluk, Chennai District belongs to Sri Parthasarathy Swami Devasthanam and particularly to take action to secure the vacant land wherever available in the above said temple properties/survey numbers as per the orders of this Hon'ble Court in W.P.No.332 of 2017 dated 09.01.2017 and in W.P.(MD) No.14428 of 2012 & W.P.(MD) No.16833 of 2017 dated 12.02.2018; and

(ii) a writ of Mandamus directing the 65^h respondent to take appropriate action to prevent the illegal construction of the 14th respondent in the temple lands which are belongs to Sri Parthasarathy Swami Devasthanam Temple, Triplicane, Chennai 600 005 by forbearing the 14th respondent from constructing the building in Door No.3/2, Bala Murali Street, T.Nagar, Chennai 17 and situate in Old S.No.470 and 472, T.S.No.4626, 4653, 7571/1 and 7571/2 of T.Nagar Village, Block No.103, Formerly Guindy-Mambalam Taluk, presently Mambalam Taluk, Chennai District.

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 against the alleged disobedience of the order dated 23.04.2019 in W.M.P.No.12347 of 2019 in W.P.No.12070 of 2019.



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For the Petitioner : Mr.A.Ilayaperumal
in both W.Ps. & Cont.P.

For the Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for Respondents 1 to 5 in
both W.Ps.

No appearance
for Respondents 6 & 8
in both W.Ps.

Mrs.R.Anitha
Special Government Pleader
for Respondents 7, 9 & 10-12
in both W.Ps. &
for Respondent-13
in WP No.12070/19 & for
Respondent-1 in Cont.P.

Mr.S.Packiaraj
for Respondent-14
in WP No.12070/19 &
for Respondent-2 in Cont.P.

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Ilayaperumal, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the respondents 1 to 5 in both writ petitions,



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Mrs.R.Anitha, learned Special Government Pleader for the respondents 7, 9 and 10 to 12 in both writ petitions and for 13th respondent in WP No.12070/19 and 1st respondent in Contempt Petition and Mr.S.Packiaraj, learned counsel for 14th respondent in WP No.12070/19 and for 2nd respondent in Contempt Petition.

2. The matters do not involve any public interest.

3. Learned counsel for the petitioner submits that the petitioner is a beneficiary. He has 3/5th share in the temple property and the proceeds.

4. In such an eventuality, it would not be proper to entertain the writ petitions as public interest litigations.

5. Learned counsel for the petitioner submits that the petitioner has already given a representation to the HR & CE Department.

6. The petitioner may make an application to the HR & CE



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Department with all the details. In case, the petitioner makes an application to the HR & CE Department, along with all the details and documents, the HR & CE Department may consider the case of the petitioner on its own merits and in accordance with law, expeditiously, preferably within a period of four months from the date of application of the petitioner.

7. The writ petitions are disposed of. There will be no order as to costs. Consequently, W.M.P.No.12347 of 2019 is closed.

8. In view of the aforesaid order, no further order is necessary in the contempt petition. Accordingly, the same is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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5. The Assistant Commissioner
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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