



W.P(MD)No.327 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.327 of 2023

V.Srinivasan

... Petitioner

Vs.

- 1.District Collector,
Collectorate,
Thanjavur - 613 010.
- 2.Revenue Divisional Officer,
NSC Bose Nagar,
Ramani Nagar,
Thanjavur - 613 007.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Samantharkulam, Sitharkadu,
Mayiladuthurai - 609 003.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Mayuranathar South Street,
Mayiladuthurai - 609 001.



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5. Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur - 612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 26.05.2022, 17.09.2022 and 21.11.2022 and remove the encroachments over the embankment / bund / boundary of the temple tank “Mangalatheertham” belonging to the Arulmigu Pranaveswaraswamy temple situated at Thiruppandurai Village, Kumaramangalam Post, Nachiyar Koil 612 602 R.S.No.55/1 measuring a total extent of around 1.10 acres take other such necessary steps to secure the property belonging to the temple.

For Petitioner : Mr.M.Karthikeyan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1, R2 & R5.
Mr.N.Ramesh Arumugam,
Government Advocate for R3 & R5.

ORDER

Heard both sides.



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2. There is no dispute that the petition mentioned water body belongs to Arulmighu Pranaveswaraswamy Temple, Thirupandurai. It is also seen that there are encroachments on the said water body. In that event, it is the duty of the third respondent to take action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The petitioner is directed to file a fresh representation before the fourth respondent. The fourth respondent shall file a proper application before the third respondent. This twin exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The third respondent shall issue notices to the encroachers and pass final order on merits and in accordance with law within a period of six months thereafter.

3. This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
23.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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