



W.P. (MD) No. 9266 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 9266 of 2021

and

W.M.P. (MD) No. 6980 of 2021

S.Rengaraj

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai.

3.S.Baskar

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the first respondent to initiate appropriate action and pass necessary orders under Section 78 of the HR & CE Act in respect of encroachment made in S.No.58 to an extent of 0.12 cents of land belonging to Arulmigu Sanjeevirayar Thirukoil, situated at Pidampatti Village, Kulathur Taluk, Pudukottai District, on the basis of the petitioner's representation dated 26.04.2021 within the time limit that may be



W.P. (MD) No. 9266 of 2011

fixed by this Court.

WEB COPY

For Petitioner : Mr. P.Kalaiyarasi Bharathi
For R1 & R2 : Mr. P.Subbaraj
Special Government Pleader
For R3 : Mr. N.Anandkumar

ORDER

The Petitioner, who is the hereditary trustee of the Arulmigu Sanjeevirayar Thirukoil situated at Pidampatti Village, Kulathur Taluk, Pudukottai District, has filed this Writ Petition to direct the First Respondent to initiate action and pass appropriate orders under Section 78 of the Hindu Religious & Charitable Endowments Act in respect of encroachment made in S.No.58 to an extent of 0.12 cents of land belonging to the above said temple on the basis of the representation made by the Petitioner dated 26.04.2021.

2. Learned Special Government Pleader for the Respondents has brought to notice that the application/representation dated 26.04.2021 made by the Petitioner has been taken on file in M.P. No. 15 of 2022 which had been



W.P. (MD) No. 9266 of 2011

heard on 10.12.2022 and 15.12.2022 and has been adjourned to 09.01.2023 for further proceedings.

3. In that view of the matter, this Court with expressing any view on the merits of the controversy involved between the parties, passes the following order:-

- (i) it shall be incumbent upon the First Respondent to ensure that there is atleast one effective hearing every week showing progress of the case;
- (ii) after hearing all parties concerned following the prescribed procedure, the First Respondent shall pass reasoned order in M.P. No. 15 of 2022 dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken under written acknowledgment; and
- (iii) such exercise shall be completed by 31.03.2023 and report of compliance filed before the Registrar (Judicial) of the Court.

4. In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

3/5



W.P. (MD) No. 9266 of 2011

WEB COPY

ta

03.01.2023

NCC : Yes/No

Index : Yes/No

Note: Issue order copy on 30.01.2023.

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.



WEB COPY



W.P. (MD) No. 9266 of 2011

P.D.AUDIKESAVALU,J.

ta

W.P.(MD)No.9266 of 2021

03.01.2023