



W.P.(MD) No.9367 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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N.Sathiya Narayanamoorthi

... Petitioner

-VS-

- 1.The District Collector
Virudhunagar District
Virudhunagar
- 2.The Superintendent of Police
Office of Superintendent of Police
Virudhunagar District
Virudhunagar District
- 3.The Tahsildar
Srivilliputhur Taluk
Srivilliputhur
Virudhunagar District
- 4.The Joint Commissioner
Hindu Religious Charities Department
Madurai District, Madurai



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WEB CRY

5.The Assistant Commissioner
Hindu Religious Charities Department
Virudhunagar District
Virudhunagar

6.The Executive Officer
Arulmigu Vaithiyanatha Swami Thirukovil
Madavur Valagam
Srivilliputhur-626 125
Virudhunagar District

7.S.Nagaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents No.1 to 6 to remove the encroachment made by the seventh respondent in the Arulmigu Vaithiyanatha Swami Thirukovil's land in Survey No.106/10 an extent 0.93 Acres in Padikasuvaithaanpatti, Srivilliputhur Taluk, Virudhunagar District as per communication of the sixth respondent dated 24.08.2022 to the fifth respondent by considering the petitioner's representation dated 06.05.2021 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3
Mr.P.Subbaraj
Special Government Pleader for R4 & R5
Mr.H.Arumugam for R6



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

We are not very happy with the manner in which the officer has dealt with the case of removal of encroachment. It is an admitted case where 95 Cents of land situate in a particular survey number was leased out to one Nagaraj, who attempted to construct a temple over the said land. Fortunately, by the grace of Arulmigu Vaithiyanatha Swamy, sense prevailed and the attempt to build a temple was scuttled due to the timely intervention of the police. But, that better sense appears to have been vanished now. The very fact that the officer claims that the members of the community are now seeking permission to perform kumbabishegam, though the lessee has abandoned the land and fled to Singapore leads us to believe that all is not well. Fortunately, the attempt to perform kumbabishegam by moving this Court also failed. The Executive Officer, in his affidavit, has, however, stated that he is awaiting completion of survey of about 100 Acres of land, which is yet to be completed. We find a sinister design to delay removal of encroachment. The Executive Officer need not wait for survey of all the lands belonging to all the temples all over the world to take action for removal of encroachment over 95 Cents of land, which has already been identified. We,



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therefore, direct the Executive Officer to launch proceedings immediately under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 and complete the proceedings in the manner known to law, within a period of six months from today and submit a report before this Court.

2. The writ petition is disposed of with the above directions. No costs.

3. Post this writ petition after six months for reporting compliance.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

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

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