



W.P.(MD) No.10040 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10040 of 2023

Arulmigu Jayamkonda Choleeswarar
Soundranayagi Amman Temple
Rep by its Trustee,
PL.Viswanathan Chettiar
S/o.Palaniappa Chettiar
Nemam Village, Kundrakudi Post,
Sivagangai District.

... Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious Endowment Department,
Sivagangai District.

2.Mani@ Karuppiah

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to complete the Eviction Proceedings in M.P.No.31/2022/E1 within time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For R1 : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This writ petition has been filed for a mandamus to direct the first respondent to complete the eviction proceedings in M.P. No.31/2022/E-I within the time to be fixed by this Court.

2. It is case of the petitioner that he is one of the administrative trustees of Arulmigu Jayakonda Choleeswarar Soundranayagi Amman Temple, located near Kundrakudi. The temple is an ancient one built by King Soundrapandiya in and around BC-714. Thereafter, the Nagarathars had taken control of the temple and renovated it. Totally 25 trustees were administering the temple on rotation basis and the trustees would change once a year. The temple is registered with the HR&CE Department. It is the further case of the petitioner that the temple owns vast extents of land and most of which had been encroached upon and over which houses have been constructed. One Mani @ Karuppaiah has encroached an extent of 1.37 acres in Survey Nos.240/17, 18 & 19 and built a concrete building with a thatched house. The petitioner therefore, on 25.08.2022, made an application to the first respondent under Sections 78 and 79(b)



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of the HR&CE Act (Hereinafter referred to as 'the Act'). Thereafter, on the specific instruction of the first respondent, a fresh application was made on 30.09.2022 and the application was numbered as M.P.No.31 of 2022 and summons have also gone to the second respondent/encroacher in this petition. However, it is the case of the petitioner that no steps whatsoever is being taken to proceed with the hearing.

3. It is the contention of the petitioner that it is a larger extent of land belonging to the temple, which has been encroached upon by the Said Mani @ Karuppaih and the proceedings are being stalled. Therefore, in the interest of justice, this Writ Petition is allowed with a direction to the first respondent to complete the eviction proceedings in M.P.No.31 of 2022/E1 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

26.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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To

The Joint Commissioner,
Hindu Religious Endowment Department,
Sivagangai District.

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