



Cont.P(MD)No.1313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :01.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1313 of 2023
in
W.P(MD)No.3759 of 2023
and
Sub.A(MD)No.197 of 2023

S.Arjun

... Petitioner/Petitioner

Vs.

Mrs.B.Bharathi,
The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowments Department,
Dindigul District. ... Respondent/3rd respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate proceedings against the respondent herein under Section 11 of the Contempt of Courts Act, 1971 for his Willful disobedience of the order passed by this Court in W.P(MD)No.3759 of 2023 dated 23.02.2023 and punish him accordingly.

For Petitioner	:Mr.B.Vinothkumar
For Respondent	:Mr.S.P.Maharajan, Special Government Pleader



WEB COPY



Cont.P(MD)No.1313 of 2023

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Alleging willful disobedience of the orders of this Court made in W.P(MD)No.3759 of 2023, dated 23.02.2023, the petitioner has filed this contempt petition.

2. The petitioner came forward with a writ petition in W.P(MD)No.3759 of 2023, seeking for removal of encroachment in Survey Nos.13, 14/1, 16 18, 20/1 situate at Meiyampatti Village, Natham Taluk, Natham, Dindigul district, which belongs to the temple known as Arulmigu Mallandeshwarar Temple.

3. This Court while disposing of the writ petition issued directions in the following lines:

“4. Considering the limited scope of the prayer, this Court, without going into the merits of the claim made by the petitioner, directs the third respondent to consider the representation of the petitioner 28.11.2022 and pass orders in accordance with law. If there is any



Cont.P(MD)No.1313 of 2023

encroachment in the land in question, the third respondent shall take necessary action for removal of encroachment under Section 78 of the Hindu Religious and Charitable Endowments Act, 1986, after providing opportunity to all the parties concerned, by following due process of law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.”

4. Stating that the orders of this Court has not been complied with in its letter and spirit, the above contempt petition is filed.

5. From the representation made by the petitioner before and after filing of the writ petition, it is seen that the temple owns several lands and that, they are under encroachment of private individuals. It was in the said circumstances, the petitioner wanted the District Collector and the Joint Commissioner to take action for removal of encroachment.

6. The learned Special Government Pleader appearing for the Joint Commissioner, on instructions, submitted that the temple is now under the control of the Fit Person appointed, who is none other than the Executive Officer of Srinivasa Perumal Temple, Dindigul. It is also



Cont.P(MD)No.1313 of 2023

represented that steps have been taken to remove the encroachment.

When the encroachers were called upon to remove the encroachment, some of them have removed the encroachments and some have opted to become lessees under the temple.

7. The learned Special Government Pleader further submitted that the Joint Commissioner has reported that some of the encroachers have vacated their place on their own with an intention to probably participate in the auction that is going to be conducted by the Fit Person as per the directions of the Joint Commissioner. It is stated that the auction to put the temple properties on lease is going to happen on 07.08.2023.

8. The petitioner has not collected details with regard to the persons who are really in encroachment and the purpose for which the encroachers are putting the land in use. Therefore, this Court is unable to find any bonafides in this litigation.



Cont.P(MD)No.1313 of 2023

WEB COPY

9. Since it is now represented on behalf of the respondent that the temple lands are going to be used for augmenting income by leasing out the same to third parties, this Court finds no merit in this contempt petition. Therefore, recording the statement of the learned Special Government Pleader, this Contempt Petition is closed. Consequently, connected Sub-Application is dismissed.

[S.S.S.R., J.] [D.B.C., J.]
01.08.2023

Index : Yes / No

NCC : Yes/No

pm

To

The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowments Department,
Dindigul District.



WEB COPY



Cont.P(MD)No.1313 of 2023

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

Cont.P(MD)No.1313 of 2023

01.08.2023