



W.P(MD)No.13639 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.04.2023

CORAM

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

W.P(MD)No.13639 of 2014

S.Ravi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Amma Mandapam Road,
Sri Rengam,
Trichy – 5.

3.The Executive Officer,
Arulmighu Prasanna Venkatachalapathy and
Nandhikeswara Swamy Temple,
Thuraiyur,
Trichy District.

4.Uma

5.Ravi



W.P(MD)No.13639 of 2014

6.Ramasamy

7.Boopathy

8.Sankar

9.Valli

***(R.4 to R.9 impleaded vide order
of this Court dated 01.12.2014 in
M.P(MD)No.1 of 2014)***

10.Kaliyaperumal

11.Palaniyandi

12.A.Manimekalai

13.Arumugam

14.Mahamani

15.Nagammal

16.R.Nagammal

17.Rajamaniammal

18.Duraisamy

19.S.Arunachalam

20.Soodamani

21.M.Periyasamy

22.Sellam

23.M.Sundarrajan

24.K.Sekar

25.C.Rathinam

26.Jeyaraman

27.Thangaraj

28.M.Durairaj

29.P.Sundarraju

30.M.Ramalingam

31.T.Manickam

32.T.M.Periyasamy

33.P.Manohar

34.R.Kannan

35.S.Murugesan

36.Pushpam

37.K.Pitchaiyammal

38.R.Baskaran



W.P(MD)No.13639 of 2014

39.R.Narayanan

***(R.10 to R.39 impleaded vide
order of this Court dated 18.10.2016
in W.M.P(MD)No.14359 of 2016)***

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to clear all the encroachments that has been committed in respect of temple tank attached to Sri Venugopalasamy Deity and temple at Thuraiyur obtaining in S.F. No. 376/1/188 and to vacate all encroachments in the property and to resurrect the tank and put it in proper shape as it was previously to enable the holding of float festival in the tank attached to the said temple.

For Petitioner : No Appearance

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R.1 & R.2

M/s.S.Devasena for R.3

No Appearance for R.4 to R.39

ORDER

This writ petition has been filed for removal of encroachments in the petition mentioned temple tank. The learned counsel who filed the writ petition is no more. Since the writ petition is more in the nature of public interest, it cannot be dismissed for non-prosecution.



W.P(MD)No.13639 of 2014

2. We called upon the learned Special Government Pleader appearing for Hindu Religious and Charitable Endowment Board to undertake personal inspection. The learned Special Government Pleader pursuant to our request visited the temple tank and he has filed status report stating that the temple is almost thousand years old and that the temple tank is located in TS 89 admeasuring 50.8 cents (Old S.No.376/188). He would state that temple tank is in a state of disuse and a dilapidated Mandapam is located in the middle. The banks of the temple tank have been fully encroached.

3. We therefore direct the second respondent to take *suo motu* action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act for removal of all the encroachments after complying with due process of law. Final order shall be passed by the second respondent within a period of six months from the date of receipt of a copy of this order. We direct the first respondent to oversee the entire process and ensure that the temple tank is restored to its pristine condition. We are constrained to pass such a mandate taking into account the fact that the temple was established by Chola ruler Rajendra – I way back in 11th century.



W.P(MD)No.13639 of 2014

4. This writ petition is allowed on these terms. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
18.04.2023

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

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Amma Mandapam Road,
Sri Rengam,
Trichy – 5.
- 3.The Executive Officer,
Arulmighu Prasanna Venkatachalapathy and
Nandhikeswara Swamy Temple,
Thuraiyur,
Trichy District.



WEB COPY



W.P(MD)No.13639 of 2014

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

W.P(MD)No.13639 of 2014

18.04.2023