



W.P.(MD).No.21367 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21367 of 2023

N.K.Gopalakrishnan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai – 600 034.

2.The District Collector,
Trichy District,
Trichy.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Perambalur.

5.Rajeev Gandhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to comply with the direction issued by the first respondent in his proceedings dated 16.02.2023 and to take action as per Section 80 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and pass appropriate orders in accordance with law.



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For Petitioner : Mr.N.Ananda Kumar
For R-1 to R-4 : Mr.R.Ragavendran,
Government Advocate.
For R-5 : No Appearance

ORDER

This Writ Petition is filed for Mandamus, directing the third respondent to comply with the direction issued by the first respondent in his proceedings dated 16.02.2023 and to take action as per Section 80 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. On earlier occasion, this Court vide order dated 01.09.2023 directed the official respondents to take appropriate action based on the petitioner's representation and the same shall be reported before this Court.

3. Today, when the matter is taken up for hearing, the learned Government Advocate submitted that as per the direction of this Court, the respondents have initiated action and have deviated the drainage channel which is passing through the Temple lands and has also removed the flag hoisted in the post.



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4. The learned counsel appearing for the petitioner submitted that the land which is occupied by the fifth respondent belongs to the Temple. The Temple authorities are the custodian of the land which belongs to the Temple. Therefore, the official respondents are duty bound to maintain the temple land without any encroachment and also to maintain the land clean. Since the fifth respondent has occupied the temple land, the third and fourth respondents are directed to evict the fifth respondent as per the provisions of law. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

22.09.2023

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



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S.SRIMATHY, J.

Nsr

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