



W.P.(MD)No.25875 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.25875 of 2023

and

W.M.P.(MD)No.22227 of 2023

M.Shenbaga Kani

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk, Tirunelveli District.

3.The Village Administrative Officer,
Chengulakkuruchi Village, Nanguneri Taluk,
Tirunelveli District.

4.S.Murugan

5.The Joint Commissioner of Hindu Religious
and Charitable Endowment Department,
Tirunelveli District.

...Respondents

(R5 is suo motu impleaded vide Court order dated 30.10.2023)



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation letter dated 29.09.2023 and to take appropriate action against the encroachers and recover the encroached temple lands from the encroachers and hand over to the “Sriman Narayanasamy Temple”.

For Petitioner : M/s.Banumathy,
For Mr.S.Bhuvaneswaran
For R1 to R3 : Mr.S.Shanmugavel,
Additional Government Pleader
For R5 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to consider the petitioner's representation dated 29.09.2023 and to take appropriate action against the encroachers and recover the encroached temple lands from the encroachers and hand over the same to “Sriman Narayanasamy Temple”.



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2.Since the allegations raised by the petitioner relate to the temple property, we have impleaded the Joint Commissioner of Hindu Religious and Charitable Endowment (HR & CE) Department, Tirunelveli District as 5th respondent and directed him to file a report. Pursuant to the order of this Court and as per the directions issued by the 5th respondent, the Inspector of HR & CE Department, Nanguneri conducted enquiry as well as field inspection and submitted a report to the Assistant Commissioner of HR & CE Department, Tirunelveli District on 06.11.2023.

3.A perusal of the said report reveals that the subject property is a private property, the temple is a private temple and no encroachment of Government land is identified. More so, there was a personal dispute between the petitioner and other persons in the village and therefore, no actions need to be taken by the HR & CE Department, since the temple is a private temple and the subject property is also a private property. The petitioner if aggrieved may approach the competent civil Court for the purpose of redressal of his grievance.



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4. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

21.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The District Collector,
Tirunelveli District.
2. The Tahsildar,
Nanguneri Taluk, Tirunelveli District.
3. The Village Administrative Officer,
Chengulakkuruchi Village, Nanguneri Taluk,
Tirunelveli District.
4. The Joint Commissioner of Hindu Religious
and Charitable Endowment Department,
Tirunelveli District.



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AND

V.LAKSHMINARAYANAN, J.

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