



W.P.No.10580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10580 of 2024

S.Vinoth Ragavendran

.. Petitioner

Vs.

1. The Secretary to Government
Department of Revenue and Disaster Management
State of Tamil Nadu, Fort St. George
Chennai – 9.
2. The Secretary to Government
Department of School Education
State of Tamil Nadu, Fort St. George
Chennai – 9.
3. The Secretary to Government
Department of Tourism, Culture and Hindu Religious
and Charitable Endowments Department
State of Tamil Nadu, Fort St. George
Chennai – 9.
4. The Commissioner
Hindu Religious and Charitable Endowments
Administration Department, No.119
Uttamar Gandhi Salai, Nungambakkam
Chennai – 34.



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5. The District Collector
Cuddalore District, Cuddalore.
 6. The Joint Commissioner
Hindu Religious and Charitable Endowments
Administration Department, No.198A
Appavu Street, Manjakuppam
Cuddalore – 607 001.
 7. The Joint Commissioner
Hindu Religious and Charitable Endowments
Administration Department, No.198A
Appavu Street, Manjakuppam
Cuddalore – 607 001.
 8. The Executive Officer
Arulmigu Devanatha Swamy Devasthanam
Thiruvanthipuram, Cuddalore District.
 9. St. Joseph's Matriculation Higher Secondary School
By its Correspondent
Koothapakkam
Cuddalore District.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 8 to take action in accordance with law to restore possession of the property in S.No.32/1 – 1.10.50 hectares and S.No.32/2 – 1.37.5 hectares (Old S.No.16/1) at Koothapakkam, Cuddalore in Patta No.25 at Koothapakkam Village, Cuddalore to the temple Arulmigu Devanatha Swamy Temple, Thiruvanthipuram, Cuddalore District by evicting the 9th respondent.



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For the Petitioner : Mr.N.Suresh

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate
for R1 to R3 & R5

Mr.NRR.Arun Natarajan
Special Government Pleader (HR & CE)
for R4, R6 & R7

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.N.Suresh, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate for respondent Nos.1 to 3 and 5 and Mr.NRR.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondent Nos.4, 6 and 7.

2. It is submitted by the learned counsel for the petitioner that the land in S.Nos.32/2 and 32/1 is a temple land. Encroachment has not been removed.



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3. Learned Special Government Pleader (HR & CE) submits that the ninth respondent filed a writ petition bearing W.P.No.27377 of 2009. The learned Single Judge of this Court, under the order dated 30.08.2019, directed to provide alternate land to the ninth respondent, admeasuring not less than 4 ½ acres at Bhuvanagiri Village or in the alternative, if the land is not feasible for allotment, any other land which is situated near the town or village with easy access to the main road or abutting the road. After the allotment of alternate land, possession was directed to be taken of the subject land in S.No.32/2.

4. Learned State Government Pleader submits that the proposal is pending with the Government for allotment of alternate land to the ninth respondent.

5. The judgment is delivered almost five years ago by the learned Single Judge of this Court and the Government is still sitting over the proposal. Steps need to be taken to implement the order of the learned Single Judge of this Court dated 30.08.2019 in



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W.P.No.27377 of 2009. The said land shall be identified within a period of six months from today.

6. As far as the other lands are concerned, the learned Special Government Pleader (HR & CE) submits that survey would be conducted within a period of three months from today and upon survey, if encroachment is found, action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, would be undertaken immediately.

7. With the aforesaid observations and directions, the writ petition stands disposed of. There shall be no orders as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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