



WEB COPY



W.P.No.13067 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.13067 of 2018

A.Radhakrishnan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Nungambakkam High Road,
Chennai – 600 034.
- 2.The District Collector,
Krishnagiri.
- 3.The Deputy Inspector General of Police,
Salem – 636 007.
- 4.The Taluk Executive Magistrate cum Tahsildar,
Hosur, Krishnagiri District.
- 5.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem Town.



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6.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.

7.G.Govindaraj

8.G.Jossdoss

9.D.Sakthivel

10.Kokila

11.The Administrator,
Chinna Elasagiri Church,
Balaji Nagar, Zuzuvadi, Hosur,
Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, directing the respondents to take appropriate action to remove the encroachment found in the Arulmigu Kasiviswanathar Thirukoil properties situated in S.F.No.712 and 713 in Zuzuvadi Village, Hosur Taluk, Krishnagiri District and consequentially issue direction to take appropriate action as against the HR & CE officials who fail to safe guard the said temple properties right from 20.06.2015 by considering the petitioner representation dated 10.01.2018.

For Petitioner	: Party in Person
For R1, R5 & R6	: Mr.S.Ravichandran Additional Government Pleader (HR & CE)
For R2 to R4	: Mr.A.Selvendran Special Government Pleader
For R8	: Mr.R.Sivaraman



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For R7 & R11
For R9 & R10

: No appearance
: Not ready in notice

ORDER

(Order of this Court delivered by S.M.SUBRAMANIAM,J.)

The Writ on hand has been instituted to direct the respondents to take appropriate action to remove the encroachments found in the Arulmigu Kasiviswanathar Thirukoil properties situated in S.F.No.712 and 713 in Zuzuvadi Village, Hosur Taluk, Krishnagiri District and further direct to take appropriate actions against the Officials of the HR & CE Department.

2. Learned Government Pleader would submit that the Competent Authorities under the Tamil Nadu HR & CE Act, 1959 and the Temple management have initiated action to remove the encroachments. The Patta granted in favour of the individuals were cancelled and mutated in the name of the Temple. As of now, the Patta stands in the name of the temple and therefore, further action was also initiated under Section 78 of the Tamil Nadu HR & CE Act, to evict the encroachers. Notices were issued to encroachers and the enquiry is in progress.



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3. In view of the submissions made on behalf of the respondents, we direct the Official respondents to expedite the enquiry initiated under Section 78 of the Tamil Nadu HR & CE Act and pass final orders and evict the encroachers, as expeditiously as possible.

4. It is needless to state that the other respondents are bound to co-operate for removal of encroachers from the temple property. The Temple property, after removal of encroachments are to be utilised for the benefit of the temple, in accordance with the provisions of the Tamil Nadu HR & CE Act.

5. The other respondents are directed to co-operate to conclude the enquiry proceedings and to evict the encroachers in accordance with law. If necessary, police assistance may be sought for by the Authorities, for providing protection to remove the encroachments.



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6. Accordingly, the Writ Petition stands disposed of. No order as to costs.

[S.M.S.J.] [K.R.S.J.]
14.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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