



W.P.No.11799 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.11799 of 2020
and
W.M.P.No.14513 of 2020

R.Sriramulu
...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Board,
119, Utthamar Gandhi Saalai,
Nungampakkam, Chennai - 14.
 2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Kottai Mariamman Koil Valagam,
Salem.
 3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Dharmapuri District.
 4. The Inspector,
Hindu Religious and Charitable Endowments Board,
Krishnagiri District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings of the third respondent vide his proceedings in Na.Ka.No.206/2020/A6, dated 04.06.2020 quash the same.

For Petitioner : No appearance

For Respondents : Mr. K.Karthikeyan
Government Advocate

ORDER

This writ petition is filed challenging the order passed by the third respondent directing the petitioner to stop construction in the land belonged to Arulmigu Vigneswarasamy in survey no. 695/A2 in Megalachinnampalli village, Krishnagiri District.

2. It is not in dispute that the petitioner is a hereditary trustee of above said temple. It came to knowledge of the third respondent that the petitioner indulged in construction of the building in the temple property. Therefore, the impugned communication was issued by the third respondent directing him to stop construction. He was also informed that if he failed to comply with the direction of the third respondent, action will be taken in accordance with law and also through police. Aggrieved by the same, the petitioner is before this



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3. When the writ petition came up for hearing on 05.11.2024, there was no representation for the petitioner. At the request of the learned counsel appearing for the respondents, matter stands adjourned to today. Even today, there is no representation for the petitioner.

4. The learned Government Advocate appearing for the respondents, on written instructions from the fourth respondent, submitted that the petitioner had put up a residential house in the above mentioned property belongs to the temple and also running a Poultry farm. Therefore, the petitioner shall be treated as an encroacher.

5. If in the opinion of the respondents, the petitioner utilise the temple property for his personal use, it is for the respondent officials to take action by invoking the relevant provisions of the HR & CE Act, after affording reasonable opportunity to the petitioner. However, without passing any order in accordance with law, it is not open to the third respondent to disturb the petitioner's possession through any means.



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6. With the above clarifications, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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