



W.P.No.16454 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16454 of 2021

C.Sudalaimani

... Petitioner

Vs.

1.The District Collector,
Perambalur,
Perambalur District – 621 212.

2.The Hindu Religious and Charitable Endowments Department,
Trichy.

3.The Director,
Hindu Religious and Charitable Endowments Department,
No.119, Uttamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

4.Arulmigu Lakshmi Narayana Perumal Temple,
Having office at
S.Aduthurai, Kunnam Taluk,
Perambalur District.

5.G.Prabu,
S/o.Govindhan,
President Cum Executive Officer,
V.Kalathur Village Panchayat,
Veppathattai Block, Perambalur District.

[R5 impleaded vide order dt.10.09.2024 made in
W.M.P.No.24707 of 2024 in W.P.No.16454 of 2021] ... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to follow the appropriate land acquisition proceedings while acquiring property in Survey No.119/07, Perambalur District, Vepandhatai Taluk, V.Kalathur Village belonging to the 4th respondent herein.

For Petitioner : Mr.A.Dhanabalakrishnan

For Respondents : Mr.L.S.M.Hasan Fikal
Additional Government Pleader [R1]
Mr.N.R.R.Arun Natarajan
Special Government Pleader [R2 to R4]
Mr.G.Prabu [Party-in-Person] [R5]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to follow the appropriate land acquisition proceedings while acquiring property in Survey No.119/07, Perambalur District, Vepandhatai Taluk, V.Kalathur Village belonging to the 4th respondent.

2. The case of the petitioner is that, he is a worshipper and devotee of the 4th respondent temple, namely Arulmigu Lakshmi Narayana Perumal Temple and the 4th respondent temple is the owner of the property in Survey No.119/07, Perambalur District, Vepandhatai Taluk, V.Kalathur Village. However, the respondents 1 to 3 encroached



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the said property without any land acquisition proceedings. Hence, the petitioner has filed the present writ petition before this court for appropriate orders.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this court, issues a direction to the respondents 1 to 3 to follow the appropriate land acquisition proceedings while acquiring the property belonging to the 4th respondent temple.

4. The 5th respondent (Party-in-Person) submitted that he is the president of the said village and he had constructed a drainage in the land belonging to Highways Department, not in the land belonging to Hindu Religious and Charitable Endowments Department.

5. Learned Special Government Pleader appearing for the respondents 2 to 4 submitted that, no one is entitled to encroach the property owned by the 4th respondent temple. If any authority encroaches the property owned by the 4th respondent temple, necessarily they have to go for acquisition and without acquiring the property in the manner



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known to law, no one can enjoy the property owned by the 4th respondent temple. However, learned Special Government Pleader submitted that, if anyone tries to encroach the property in Survey No.119/07 belongs to the 4th respondent temple, this court may direct the 1st respondent to remove the same by passing appropriate orders.

6. In view of the above, this court, without going into the merits of the case, directs the 1st respondent to conduct enquiry with regard to the property in Survey No.119/07, Perambalur District, Vepandhatai Taluk, V.Kalathur Village owned by the 4th respondent temple and if any encroachment is made in the said property, the 1st respondent shall pass appropriate order for removing the same from the said property owned by the 4th respondent temple.

7. With the above directions, this Writ Petition is disposed of. No costs.

10.09.2024
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To



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in

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This Writ Miscellaneous Petition has been filed seeking to permit the petitioner to implead proposed 5th respondent, G.Prabhu, S/o.Govindhan, President Cum Executive Officer, V.Kalathur Village Panchayat, Veppathattai Block, Perambalur District as 5th respondent in W.P.No.16454 of 2021, is ordered as prayed for.

10.09.2024

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(1/2)

Note: Registry is directed to carry out the necessary amendment in the cause title.