



W.P.No.18900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

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G.NEHRU @ KUPPUSAMY
MEMBER OF LEGISLATIVE ASSEMBLY (MLA),
CHAIRMAN, COMMITTEE OF GOVERNMENT ASSURANCES,
GOVERNMENT OF PUDUCHERRY,
32, BHARATHIPURAM MAIN ROAD,
GOVINDASALAI, PUDUCHERRY-605 011. .. Petitioner

Vs

1. THE CHIEF SECRETARY
CHIEF SECRETARIAT,
GOVERNMENT OF PUDUCHERRY
GOUBERT AVENUE, PUDUCHERRY-605 001.
2. THE SECRETARY TO GOVERNMENT (HRI)
OFFICE OF THE SECRETARY (HRI AND WAKF)
CHIEF SECRETARIAT,
GOVERNMENT OF PUDUCHERRY,
GOUBERT AVENUE, PUDUCHERRY-605 001.
3. THE UNDER SECRETARY TO GOVERNMENT (TEMPLES)
CHIEF SECRETARIAT,
GOVERNMENT OF PUDUCHERRY,
GOUBERT AVENUE, PUDUCHERRY-605 001.



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4. THE COMMISSIONER
DEPARTMENT OF HINDU RELIGIOUS
INSTITUTIONS AND WAKF
COLLECTOR OFFICE BUILDING, THIRD FLOOR,
PETTAIYANCHATHIRAM, PUDUCHERRY-605 009.

5. SRI VEDAPUREESWARAR SRI VARADARAJA PERUMAL
DEVASTHANAM
REP BY ITS TEMPLE ADMINISTRATIVE OFFICER,
NO.22, MAHATMA GANDHI ROAD,
PUDUCHERRY-605 001.

6. MUTHUKUMARASAMY

7. KRISHNASAMY

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the First to Fourth respondents to take immediate/urgent steps in the manner known to law to ensure, protect and take possession of the property situated at Old No.52, New No.58, Kamatchi Amman Koil Street, Puducherry under patta No.211, T.S.No.49, Ward No.C, Block-15, Re-Survey No.239 pt., admeasuring 00H-01A- 56C standing in the name of Eswara Dharmaraja Temple belonging to Sri Vedapureeswarar Sri Varadaraja Perumal Devasthanam.

For the Petitioner : Mr.L.Swaminathan

For the Respondents : Mr.S.Raveekumar
Govt. Pleader (Puducherry)
for respondents 1 to 4



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ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner, who is a Member of the Puducherry Legislative Assembly, representing Orleampet Constituency, has filed this writ petition seeking issuance of a writ of mandamus commanding respondents 1 to 4 to take immediate/urgent steps in the manner known to law to ensure, protect and take possession of the property situated at Old No.52, New No.58, Kamatchi Amman Koil Street, Puducherry under patta No.211, T.S.No.49, Ward No.C, Block-15, Re-Survey No.239 pt., admeasuring 00H-01A- 56C standing in the name of Eswara Dharmaraja Temple belonging to Sri Vedapureeswarar Sri Varadaraja Perumal Devasthanam.

2. The grievance ventilated by the petitioner is that the property belonging to the fifth respondent temple is encroached upon by respondents 6 and 7 and despite series of representations sent by the petitioner, no action has been taken by the authorities concerned.

3. Learned Government Pleader (Puducherry) appearing on



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behalf of respondents 1 to 4 submitted that a notice has already been issued to the encroachers under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 directing them to vacate from the encroached area on or before 30.7.2024 and since the encroachers have not vacated from the area in question, the authorities will take appropriate further action in accordance with the provisions of the Act of 1971 for removal of the encroachment.

4. In the light of the aforesaid submission made by learned Government Pleader (Puducherry), the writ petition is disposed of with a direction to respondents 1 to 4 to take further action for removing the encroachment after following the procedure contemplated under the Act of 1971. Such exercise shall be completed by the respondent authorities within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.P.No.20754 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
31.07.2024

Index : Yes/No
NC : Yes/No
sasi



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AND
K.KUMARESH BABU,J.

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