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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18357 of 2018

and

W.M.P.No.21663 of 2013

Arulmigu Mariamman & Ponniamman
Devasthanam,
Represented by fit person,
Having Office at
Arulmigu Thiruvalleeswarar Thirukoil,
Padi, Chennai – 600 050.

... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
- 2.The Zonal Officer,
Zone VII,
Corporation of Chennai,
Ambattur,
Chennai – 600 053.
- 3.Revenue Divisional Officer,
Ambattur,
Cehnnai – 600 053.
- 4.The Tahsildar,
Ambattur,
Chennai – 600 053.



5. Village Administrative Officer,
Padi,
Chennai – 600 050.

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6. The Commissioner,
Office of the Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.11, Uthamar Nandhi Salai,
Chennai – 600 034.

[R6 *suo motu* impleaded as per
order dated 04.01.2024 in
W.P.No.18357 of 2018 by SMSJ]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from in any manner or putting up construction on land bearing Survey No.335/1, T.S.No.6, Ward-I, Block No.2, measuring 3932 sq.mtrs., Padi Village.

For Petitioner	: Mr.S.Surya for M/s.A.S.Kailasam and Associates
For R1 & R2	: Mr.D.B.R.Prabhu Standing Counsel for Greater Chennai Corporation,
For R3 to R5	: Mr.G.Krishnaraja Additional Government Pleader
For R6	: Mr.K.Karthikeyan Government Advocate (HR & CE)



ORDER

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The relief sought for in the present writ petition is to forbear the respondents from putting up construction on a land bearing Survey No.335/1, T.S.No.6, Ward-I, Block No.2, measuring 3932 square meters, Padi Village.

2. It is brought to the notice of this Court that the report submitted by the petitioner-temple has been acted upon by the Hindu Religious and Charitable Endowments (hereinafter referred to as “HR & CE”) Department and actions are already initiated under Section 78 of the HR & CE Act. Based on the report, the Assistant Commissioner has to forward the files to the Joint Commissioner for conducting inspection under Section 78 of HR & CE Act, to evict the encroachers from the temple property. Since, the Corporation and the Revenue Authorities have initiated actions to survey the temple property, the petitioner-temple filed the present writ petition.

3. In view of the fact that the report submitted by the temple as already been acted upon by the HR&CE Department for initiation of action under Section 78 of the HR & CE Act, the Revenue Authorities have to co-



operate with the HR & CE Department for conducting survey and to identify the temple property and protect the same in the manner contemplated under the HR & CE Act. The actions initiated under the Act must be expedited and Section 78 proceedings are directed to be completed by affording opportunity to the encroachers and other persons, preferably, within a period of four (4) months from the date of receipt of a copy of this order. The Commissioner, HR&CE Department-6th respondent is directed to monitor the actions taken under Section 78 of HR & CE Act.

With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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W.P.No.18357 of

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