



WEB COPY



W.P.No.36648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.36648 of 2024

M.G.Swaminathan

... Petitioner

Vs.

- 1.The Secretary to Government,
State of Tamil Nadu,
Hindu Religious and Charitable Endowment Board,
Secretariat,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai – 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Nagapattinam,
Opposite to SBI Bank.



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4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Nagapattinam.

5.The Tahsildar,
Thirukuvalai Taluk,
Nagapattinam District.

6.The Executive Officer,
Sri Ramalinga Swamy Temple,
Melapidagai, Karunkanni Post,
Nagapattinam – 611 103.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 22.05.2024 and pass orders within a time frame fixed by this Court.

For Petitioner	:	M/s.T.Girija
For R1 to R4 & R6	:	Mr.K.Karthikeyan Government Advocate
For R5	:	Mr.A.Edwin Prabakar State Government Pleader assisted by Mr.M.Habeeb Rahman Government Advocate



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 22.05.2024 and pass orders within a time frame.

2.The petitioner has filed the above writ petition after submitting a representation to the respondents alleging encroachment of Temple land by private individuals. Though the petitioner has produced before this Court the list of members who are in possession of land, this Court is unable to conclude whether those persons who are in possession of the land are encroachers or in possession of the land in pursuance of a lease or permission given to them by the Temple.

3.Having regard to the limited scope of the prayer in the writ petition, without expressing any opinion on the merits of the contentions of the petitioner, since it is a public Temple, this Court directs the 4th respondent/Assistant Commissioner, after holding an enquiry, to submit a report to the 3rd



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respondent/Joint Commissioner, if the 4th respondent finds any encroachment of land of the Temple by private individuals. If such a representation/report is given by the 4th respondent, the 3rd respondent/Joint Commissioner, if necessary, may initiate appropriate action for removal of encroachments under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, within a period of 18 weeks from the date of receipt of any such representation/report from the 4th respondent.

4. With the above directions, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (M.S.K., J.)
19.12.2024

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Internet : Yes

Index : Yes

Neutral Citation : Yes



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