



W.P.No.34333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34333 of 2024

B. Santhanam

... Petitioner

Vs.

1. Government of Tamil Nadu,
rep. by Additional Chief Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Fort St. George, Chennai 600 009.
 - 2 . The Commissioner of HR & CE,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.
 - 3 . The District Collector,
Chengalpattu, Chengalpattu District.
 - 4 . The Assistant Commissioner,
HR & CE Department, Chengalpattu,
Collectorate Complex, 603 001,
Chengalpattu District.
 5. MK.Muthuraj, Executive Officer,
Arulmighu Kolatchi Amman Thirukovil,
Kasapuram Village, Madambakkam,
Chennai 600 126.
Office at Arulmighu Kolatchi Amman Thirukovil,
Thiruneermalai, Chennai 600 045.
- ... Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents 2 and 4 to consider the representations dated 30.08.2024, 18.09.2024 and 31.10.2024 submitted by the petitioner and to pass orders thereon on merits, within a time limit that may be stipulated by this court.

For Petitioner : Ms.G.Kannagi,
for Mr.M.Elumalai.

For Respondents : Mr.G.Ameediaz, Government Advocate
for respondents 1 and 3
Mr.K.Karthikeyan, Government Advocate
for respondents 2 and 4

ORDER

This writ petition is filed seeking a direction to the respondents 2 and 4 to consider the representations of the petitioner dated 30.08.2024, 18.09.2024 and 31.10.2024 and to pass final orders, within a time frame as fixed by this Court.

2. It is the case of the petitioner that 7200 sq.ft. of land belonging to the fifth respondent/temple, situated in survey No.38/1, Kasapapuram Village, Madambakkam, Chennai 600 126 is under the encroachment of



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one Kannan, against whom, the fifth respondent filed a suit in O.S.No.7 of 2013 before the Additional District Judge, Chengalpattu. The said suit was decreed on 20.12.2023. However, no steps have been taken by the fifth respondent to execute the decree and take possession of the property. Aggrieved by the same, the petitioner has submitted representations, dated 30.08.2024, 18.09.2024 and 31.10.2024 before the respondents 2 and 4. In the said representations, the petitioner mentioned about the various encroachment in the properties of the fifth respondent and also illegally laid road on the temple property. The said representations have not been considered. Hence, the petitioner has come before this Court.

3. In this writ petition, on 21.11.2024, the fourth respondent was directed to file a status report with regard to the various allegations made by the petitioner.

4. Today, the learned Government Advocate appearing for the respondents filed a status report of the fourth respondent, wherein, it was stated that the lands in S.No.7/6 to an extent of 3.41 acres and



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S.No.38/1 to an extent of 11.11 Acres, belonging to the temple is found to be under encroachment of 118 persons. Therefore, eviction proceedings were initiated against them before the Jurisdictional Joint Commissioner, Kancheepuram in M.P.No.81/2019/ A3/4.2.2019. Out of 118 encroachers, 50 encroachers have submitted a representation seeking regularisation as tenants. It is further stated in the status report that the process for regularization of the above persons, who had expressed their willingness is under progress and after regularization, fair rent will be fixed. In respect of the remaining 68 persons are concerned, proceedings under Section 78 of HR & CE Act is pending on the file of the jurisdictional Joint Commissioner. It is also stated in the status report that, the fifth respondent is taking steps to file execution proceedings to execute the decree in O.S.No.7 of 2013. It is further stated in the status report that the Block Development Officer had laid a road in the temple land and in this regard, the fifth respondent has issued a letter dated 30.12.2024, requesting him to remove the encroachment.



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5. The averments in the status report filed by the fourth respondent is recorded.

6. In the light of the allegations made by the petitioner in the writ petition and the averments made in the status report filed by the fourth respondent, this court is inclined to direct the second respondent to consider the representation of the petitioner dated 18.09.2024 and issue necessary directions to the fourth and fifth respondents to remove the encroachment of the temple properties. The final order to be passed by the second respondent shall be communicated to the petitioner, within a period twelve weeks from the date of receipt of copy of this order.

7. With the above directions this writ petition is disposed of.
There shall be no order as to costs.

20.12.2024

Index: Yes/No
Internet: Yes/No
mst



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To
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Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
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- 2 . The Commissioner of HR & CE,
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S.SOUNTHAR, J.

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