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W.P.No.34744 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34744 of 2018

M.Murugan,
S/o. Saminathan,
Kalai Two Wheeler Centre,
Vellar & Post,
Mettur Taluk,
Salem District.

...

Petitioner

versus

1.The Executive Officer, HR & CE,
Arulmigu Prasanna Venkataramana
Swami Thirukoil,
Chinna Tirupathy, Karuvalli Post,
Omalur Taluk, Salem District.

2.The Assistant Commissioner HR & CE,
Kottaimariamman Koil,
Salem - 636 001.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to remove the encroachment in Soliyaiur Survey Nos.22/1, 0.68 Acre, 22/3, 9.16 Acre and 35/1B, 0.20 Acre Temple land, which belongs to Bathrakalaiaimman and Mariamman, Uthukottai Mettur Taluk, Salem District on the basis of the petitioner's representation dated 28.12.2016 and 06.09.2017.



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W.P.No.34744 of 2017



For Petitioner : Mr.A.E.Kalaiselvan
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR&CE)

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st respondent to remove the encroachment in Soliyaiur Survey Nos.22/1, 0.68 Acre, 22/3, 9.16 Acre and 35/1B, 0.20 Acre Temple land, which belongs to Bathrakalaiaimman and Mariamman, Uthukottai Mettur Taluk, Salem District, by considering the petitioner's representations dated 28.12.2016 and 06.09.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (HR&CE) appearing for the respondents.

3. The case of the petitioner is that the second respondent has issued the land lease public auction Notice on 16.11.2016, which belongs to Vellar Village, Arulmigu Bathrakaliaimman Thirukoil. He participated in the public auction on 29.11.2016 and paid the deposit amount of Rs.500/- and be the successful bidder in the public auction for the lease of temple land in Survey Nos.22/1, 0.68 Acre, 22/3, 9.16 Acre and 35/1B, 0.20 Acre and on



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the very same day, he paid the entire lease amount of Rs.36,000/- to the first respondent and the first respondent has also issued the receipt for the said amount.

4. When the petitioner visited the land, there was some third persons encroached the land and till date, the encroachment has not been removed by the respondents and the possession was not handed over to the petitioner. According to the petitioner, with great difficulty he was paid the lease amount but the authorities have not removed the encroachment. Hence, the petitioner made representations dated 28.12.2016 and 06.09.2017 to the first respondent, requesting him to remove the encroachment to cultivate the land. But till date, the first respondent has not taken any steps to remove the encroachment and hand over the possession of the leased out land to the petitioner. Aggrieved over the same, the petitioner has filed the present Writ Petition.

5. The learned Government Advocate (HR&CE) appearing for the respondents has produced a letter dated 06.04.2024 issued by The Executive Officer of the Hindu Religious and Charitable Endowments



Department, Vellar, Mettur Taluk, Salem District, wherein it is stated that one Gopal, S/o.Ramasamy, had put up a thatched hut in 200 sq.ft. He submitted that the same will be removed and necessary action will be taken by issuing notice.

6. Considering the limited nature of the relief sought for in the Writ Petition, the first respondent is directed to take action as per law to remove the encroachment in Soliyaiur Survey Nos.22/1, 0.68 Acre, 22/3, 9.16 Acre and 35/1B, 0.20 Acre, by considering the petitioner's representations dated 28.12.2016 and 06.09.2017, and pass appropriate orders, on its own merits and in accordance with law, on or before 30th June, 2024.

7. This Writ Petition is disposed of accordingly. No costs.

08.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To



1.The Executive Officer, HR & CE,
Arulmigu Prasanna Venkataramana
Swami Thirukoil,
Chinna Tirupathy, Karuvalli Post,
Omalur Taluk, Salem District.

2.The Assistant Commissioner HR & CE,
Kottaimariamman Koil,
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V.BHAVANI SUBBAROYAN, J.

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