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W.P.(MD) No.2691 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.2691 of 2012
and**

M.P.(MD) Nos.1 & 2 of 2012

P.S.G.Jeyaraj

... Petitioner

-VS-

- 1.The Commissioner
Hindu Religious and
Charitable Endowment Department
119, Uthamar Gandhi Salai
Chennai-600 034
- 2.The Joint Commissioner
Hindu Religious and
Charitable Endowment Department
Trivandrum Road
Tirunelveli-627 002
- 3.The Assistant Commissioner
Hindu Religious and
Charitable Endowment Department
Palayamkottai
Tirunelveli-627 002



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- 4.The District Collector
Kokkarikulam
Tirunelveli-627 009
- 5.The Sub Registrar
Veerasigamani
Sankarankoil Taluk
Tirunelveli District
- 6.Member Secretary
Tamilnadu Town and
Country Planning Authority
Tirunelveli
- 7.M.Vissuvasam
- 8.V.Micheal Antony Rayappan
- 9.K.Paulraj
- 10.Gomathi
- 11.Karthik
- 12.C.Dharmaraj
- 13.A.M.Mariappan
- 14.T.A.K.A.Ravi
- 15.R.Murugaiah
- 16.Mathivanan
- 17.Shenbaga Assari
- 18.T.Maniyan Assari



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19.M.Saraswathi

20.S.Pattammal

21.S.Muthusamy

22.K.Sundararaj

23.S.Muthumari

24.M.Ganapathyraman

25.A.Durairaj @ Palanichamy

26.A.Muniyammal

27.C.Chidambaram Assari

28.A.Vellaichamy

29.S.Chellamma

30.A.Shenbagavalli

31.A.Arun Kumar

32.M.Meenatchi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take over the temple namely Thir Moola Vinayagar Tempe, Sernthamangalam, Sankarankovil Taluk, Tirunelveli District and further directing the respondents 1 to 4 to remove the encroachments in Old Survey No.498/3, New Survey No.1113/1,



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1113/2, 1113/3 and 1114/44 to the total extent of 76 Cents owned by the Deity Thir Moola Vinayagar Temple, Sernthamangalam, Sankarankovil Taluk, Tirunelveli District, by invoking Sections 78 and 79 of Tamilnadu Hindu Religious and Charitable Endowment Act, 1957.

For Petitioner : Mr.C.Karthik

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R6
Mr.R.T.Arivukumar for R7
Mr.D.Nallathambi for R24
No appearance for R8 to R23, R25 to R32

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 3 to take over Thiru Moola Vinayagar Tempe, Sernthamangalam, Sankarankovil Taluk, Tirunelveli District and to direct the respondents 1 to 4 to remove the encroachments in Old Survey No.498/3, New Survey No.1113/1, 1113/2, 1113/3 and 1114/44, to the total extent of 76 Cents, owned by the Deity of Thiru Moola Vinayagar Temple, Sernthamangalam, Sankarankovil Taluk, Tirunelveli District, by invoking Sections 78 and 79 of Tamilnadu Hindu Religious and Charitable Endowment Act, 1957.



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2. Today, when the matter was taken up for hearing, learned Government Pleader appearing for the respondents 1 to 6, on instructions, submitted that with regard to the first limb of the prayer to take over the possession of the subject Temple is concerned, pursuant to the order passed by the third respondent, the fit person has taken charge of the said Temple as early as on 09.11.2012 and therefore, the first limb of the prayer has become infructuous.

3. Insofar as the second limb of the prayer seeking removal of encroachments is concerned, learned Government Pleader, on instructions, submitted that at the time of UDR Scheme, some errors have been crept in in the revenue records and the Temple Authority has already taken steps for rectification of the errors and it is pending before the District Revenue Officer, Tenkasi. After getting appropriate orders for rectification of errors in the revenue records, appropriate action will be taken for removal of encroachments in accordance with law.



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4. Recording the above submission of the learned Government Pleader, as against the first limb of the prayer, this writ petition is dismissed as infructuous and as against the second limb of the prayer, this writ petition is disposed of with a direction to the official respondents to take necessary steps for removal of encroachments, after getting rectification order from the Revenue Authority. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

04.01.2024

(3/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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Charitable Endowment Department,
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