



W.P.(MD) No.2444 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2444 of 2024

S.Rajendran

... Petitioner

-Vs-

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sammantham Kulam,
Sidharkadu,
Maiyladuthurai,
Thanjavur District
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kumbakonam, Thanjavur District
- 4.The Tahsildar, Taluk Office,
Kumbakonam,
Thanjavur District



W.P.(MD) No.2444 of 2024

5.The Executive Officer,
Arulmigu Sakthivineswarar Thirukovil,
Patteeswaram Post, Kumbakonam Taluk,
Thanjavur District

6.A.Ravi

7.G.Ravi

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the 6th and 7th respondents in Survey No.285/5 to an extent of 0.17 acres lands belonging to Arulmigu Sakthivaneswarar Thirukovil in Patteeswaram Village, Kumbakonam Taluk, Thanjavur District on the basis of the petitioner representation dated 28.09.2023.

For Petitioner : Mr.R.Rajaraman
For R1 to R4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

This writ petition was filed to direct the respondents 1 to 3 to remove the encroachment made by the sixth and seventh respondents in Survey No. 285/5 to an extent of 0.17 acres of land belonging to Arulmigu Sakthivaneswarar Thirukovil in Patteeswaram Village, Kumbakonam Taluk, Thanjavur District on the basis of the petitioner's representation dated 28.09.2023.

Page 2 of 6



W.P.(MD) No.2444 of 2024

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order going to be passed, notice to the respondents 5 to 7 is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3.With the grievance that the representation of the petitioner dated 28.09.2023 seeking to remove the encroachment in the petition mentioned property has not been considered, the petitioner has filed the present writ petition.

4.The learned Special Government Pleader appearing on behalf of the official respondents submitted that the fifth respondent had sent a communication to the officers concerned stating that necessary measures are being taken to remove the encroachment in the subject mentioned property. He has also produced a copy of the said communication.

5.Considering the nature of prayer sought for by the petitioner in this writ petition and taking note of the submission made on behalf of the official respondents, without expressing any opinion on the merits of the matter, this



W.P.(MD) No.2444 of 2024

Court directs the officials concerned to consider the representation of the petitioner dated 28.09.2023 and pass appropriate orders on its own merits and in accordance with law after providing opportunities to the parties concerned within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
07.02.2024

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

1. The Commissioner,
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119, Uthamar Gandhi Salai,
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2. The Joint Commissioner,
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Page 4 of 6



W.P.(MD) No.2444 of 2024

- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
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- 4.The Tahsildar, Taluk Office,
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W.P.(MD) No.2444 of 2024

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