



WP(MD)No.5127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

WP (MD) No.5127 of 2024
and
WMP (MD) No.4908 of 2024

Poiyamani

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and
Charitable Endowment Board,
Nungambakkam High Road,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Board,
Thanjavur,
Thanjavur District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
North 3rd Street,
Pudukottai, Pudukottai District.
- 4.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.
- 5.The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.

6.Rasu

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus directing the 3rd respondent to take appropriate steps under Section 78 of the Hindu Religious and Charitable Endowments Act against the 6th respondent, based on the petitioner's representation dated 04.08.2023 within a time frame to be stipulated by this Court.

For Petitioner	: No representation
For Respondent	: Mr.P.Subbaraj,
Nos.1 to 4	Special Govt Pleader
For Respondent	: Mr.M.Vaikkam Karunanidhi
No.3	Government Advocate (CrlSide)

ORDER

The petitioner is a hereditary trustee of Arulmighu Poisolla Meiyar Ayyanar Thirukovil at Moolangudi Village, Ponnamaravathi Taluk, Pudukottai District. He has approached this Court seeking a writ of mandamus directing the 3rd respondent, the Executive Officer, to take appropriate steps under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 against the 6th respondent by considering the petitioner's representation dated 04.08.2023.



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2. According to the petitioner the petitioner temple is having lands about 120 acres and one of the lands is in S.No.364 to an extent of 7.18.5 hectares. The 6th respondent has encroached a portion of the said land and has attempted to construct a marriage hall. This was questioned by the hereditary trustees. However, the 6th respondent intimidated and created problem with them. Therefore, the petitioner as the trustee of the temple lodged a complaint before the respondents.

3. The 4th respondent the Tahsildar has conducted an enquiry and found that the 6th respondent has encroached the temple land and seven others have also encroached the lands in and around the temple. Therefore, the Tahsildar by his proceedings in Na.Ka.No.5460/2023/A3, dated 23.08.2023 intimated the 3rd respondent about the encroachment made by the 6th respondent and also suggested for taking appropriate action to remove those encroachments. Even thereafter the 3rd respondent, the Executive Officer has not acted upon. Therefore petitioner



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being the hereditary trustee, has approached this Court.

5.The learned Special Government Pleader appearing for the respondents 1 to 4 submits that 4th respondent is taking steps to initiate action under Section 78 of the HR and CE Act and also submitted a report to the Joint Commissioner for necessary action.

6.Considering that steps have been taken by the 4th respondent by submitting a report to the Joint Commissioner concerned, this writ petition is disposed of with a direction to the Joint Commissioner to conduct enquiry under Section 78 of the HR and CE Act and conclude the same within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

28.03.2024

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To

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B. PUGALENDHI , J .

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