



W.P.(MD)No.19094 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.19094 of 2024
and
W.M.P.(MD)No.16156 of 2024**

1.Ganesan
2.Velu
3.Pandiarajan

... Petitioners

-VS-

1.The District Collector / Monitoring Committee,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Authur Taluk,
Dindigul District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.



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- 5.Chinnappan
- 6.James
- 7.Jeyaraj
- 8.Savarimuthu
- 9.Arockiyam
- 10.Aandal
- 11.Selvi
- 12.Arockiya
- 13.Rajapandi
- 14.Jeyaram
- 15.Mohan Raj
- 16.Sivakumar
- 17.Thillan
- 18.Subbaiah
- 19.Selvaraj
- 20.Rajammal
- 21.Arockiyasamy
- 22.Devadass
- 23.Chinnammal
- 24.Savariyar
- 25.Ponraj
- 26.Francies
- 27.Sesurasu
- 28.Kasbar
- 29.Thangamani
- 30.Achirvatham
- 31.John Beetter
- 32.Arockiyam
- 33.Palraj
- 34.Savulraj
- 35.Savariyar
- 36.Anthony
- 37.Myckal
- 38.Mary
- 39.Alagar



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- 40.Arockiyam
- 41.Savarimuthu
- 42.Arockiyam (Maravattiyar)
- 43.John
- 44.Selvam
- 45.Arockiyammal
- 46.Chellappa
- 47.Anaikutti
- 48.Chandirasekar
- 49.Suresh
- 50.Veeraputhuran
- 51.Muthu
- 52.Chinnammal
- 53.Vellaiyammal
- 54.Appavu
- 55.Velankanni
- 56.Chidambaram
- 57.Ramar
- 58.Ramu
- 59.Ramar

60.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai. ... Respondents
[R60 is suo motu impleaded vide Court order dated.07.08.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 59 in Survey Nos.284/2, 285, 309/2, 310, 312 and 317/2, Ambadurai Village, to an extent of 18.32 acres, owned by Arulmigu Kathirnarasinga Perumal Kovil, Perumalkovilpatti, within the stipulated time as fixed by this Court.



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For Petitioners : Mr.C.Mayilvahana Rajendran

For R1 to R4 & R60 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J.**]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 59 in Survey Nos.284/2, 285, 309/2, 310, 312 and 317/2, Ambadurai Village, to an extent of 18.32 acres, owned by Arulmigu Kathirnarasinga Perumal Kovil, Perumalkovilpatti, within the stipulated time as fixed by this Court."

2. By our order dated 07.08.2024, we had *suo motu* impleaded the Commissioner, H.R. & C.E. Department as 60th respondent, requiring him to file an affidavit disclosing as to whether there is any time limit fixed for completion of enquiry under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"] and if there is any such order prescribing time limits, what action has been taken against the Assistant Commissioners and Joint Commissioners of the H.R. & C.E. Department, who wilfully breached such time limits with impunity.



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3. In pursuant to the above said order, Mr.P.N.Sridar, Commissioner of H.R. & C.E. Department, has filed an affidavit stating that there is a proposal to issue a Circular to the Assistant Commissioners and the Joint Commissioners, who are handling the proceedings under Section 78 of the H.R. & C.E. Act, to complete the proceedings within a period of six months. He has also assured this Court that it will be monitored periodically and reviewed as and when necessary. The said report is taken on record.

4. Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 to 4 and 60 would submit that an appropriate action under Section 78 of the H.R. & C.E. Act has been initiated to remove the encroachments in the Temple's land.

5. In the light of the above, we do not think any further order is necessary in this Writ Petition. Hence, this Writ Petition is disposed of with a direction to the authorities to proceed with the enquiry initiated under Section 78 of the H.R. & C.E. Act and complete the same at the earliest, at any rate, within a



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period of six months from the date of issuance of the notice. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : No [R.S.M., J.] [L.V.G., J.]
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To:-

- 1.The District Collector / Monitoring Committee,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 3.The Tahsildar,
Authur Taluk,
Dindigul District.
- 4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
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