



W.P.(MD) No.27970 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.27970 of 2023

H.Elango

Vs.

... Petitioner

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District.
- 3.The District Collector,
Office of the District Collector,
Nagercoil, Kanyakumari District.
- 4.The Revenue Divisional Officer,
Office of the District Collector,
Nagercoil, Kanyakumari District.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.



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6.The Tahsildar,
Agastheswaram Taluk,
Nagercoil,
Kanyakumari District.

7.The Inspector of Police,
Vellichanthai Police Station,
Vellichanthai,
Kanyakumari District.

8.The Executive Officer,
Arulmighu Eswari Bathrakali Amman Temple,
Esanthangu, Kanyakumari District.

9.Ponni
The Executive Officer,
Arulmighu Eswari Bathrakali Amman Temple,
Esanthangu,
Kanyakumari District.

10.C.Velmurugan

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to initiate legal action against the Executive Officer of Arulmighu Eswari Bathrakali Amman Temple to order legal action to recover the encroached temple land of 30 cents in S.Nos.330/1, 330/2 Neendakari 'B' Village Agastheeswaram Taluk, Kanyakumari District from the 10th respondent and also to initiate lawful action against the illegal felling and removal of 300 years old Tamarind tree that stood in the temple land by the 10th respondent and consequently initiate legal action against the 9th respondent for acting in collusion with the 10th respondent in his above



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illegal acts in the light of the representations given by the writ petitioner on 20.10.2013 and 15.11.2023.

For Petitioner : Mr.N.Dilipkumar

For R1 to R4 & R6 : Mr.P.Subbaraj
Special Government Pleader

For R5 & R7 : Mr.M.Vaikkam Karunanidhi
Government Advocate

For R10 : No appearance

ORDER

The petitioner, with a grievance that the 10th respondent has illegally encroached the temple land and has also cut and removed the tamarind trees from the temple land, submitted the representations to the 9th respondent. However, the same have not been considered. Therefore, the present writ petition has been filed to take appropriate action against the respondents 9 and 10.

2.Though notice has been served on the 10th respondent and his name is also printed, there is no representation for the 10th respondent.

3.The learned Special Government Pleader appearing for the respondents No.1 to 4 and 6 submits that based on the representation of



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the petitioner, a complaint has been lodged by the 9th respondent before Vellichanthai Police Station, Kanyakumari District.

4.The learned Government Advocate appearing for the respondents 5 and 7 submits that based on the complaint given by the 9th respondent, an FIR has been registered in Crime No.166 of 2023, on 27.11.2023 for the offence punishable under Sections 427 and 379 of IPC against the 10th respondent. After concluding investigation, the police has found that the aforesaid offences have been committed and laid a final report as against the 10th respondent.

5.Considering the above submissions, this Writ Petition is disposed of with a direction to the second respondent to take necessary action to recover the temple land from the 10th respondent as expeditiously as possible. No costs.

28.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI,J

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