



W.P.No.16766 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.16766 of 2025
and
W.M.P. No.19008 of 2025 in W.P. No.16766 of 2025

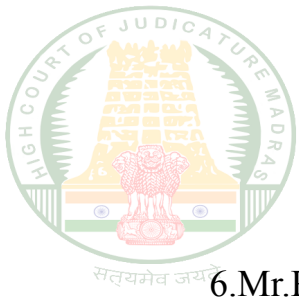
Mrs.Krishnaveni Govindan

... Petitioner

Vs.

1. The Collector
Shoolagiri Taluk
Coimbatore District
2. The Village Administrative Officer
Marandapalli Village
Shoolagiri Taluk
Krishnagiri
3. The Tahsildhar
The Office of Tasildhar
Shoolagiri Taluk
Krishnagiri – 635 117
4. Mr.Chandran (Ooru Gounder)
5. Mr.Chinnapaiyan

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6.Mr.Rajan

7. Mr.Murugan

8.Mr.Mannar @ Pachappan

9. Mr.Rajaram

10. Mr.Dullugan @ Krishnan

11. Mr.Govindaraj (Tailor)

12. Mr.Rajappan

13. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.124, Uthamar Gandhi Salai
(previously Nungambakkam High Road),
Nungambakkam, Chennai – 600 034.

14. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Krishnagiri District ... Respondents

(R13 and R14 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 to 3 to consider the representation dated 13.03.2025 to remove all the types of encroachments in Survey No.457, Marandapalli Village, Shoolagiri, Hosur, Krishnagiri belonging to Kuttai Poramboke and restore the water body or



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water course to the original shape, size, capacity etc., and to initiate departmental or criminal action against the erring officials in the matter.

For Petitioner : Ms.S.Jessy Monica

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3

Mr.K.Karthikeyan
Government Advocate
for R13 and 14

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Subject matter of captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'Survey No.457, Marandapalli Village, Shoolagiri, Hosur Taluk, Krishnagiri District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Ms.S.Jessy Monica, learned counsel for writ petitioner submits that there is encroachment qua said land and the plea is for removal of encroachment. Learned counsel submits that the authorities concerned were



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approached *inter alia* vide a representation dated 13.03.2025, there has been

no action and that has necessitated the captioned WP.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for the official respondents (R1 to R3) and learned State counsel submits, on instructions, that a survey qua said land has already been conducted and encroachment has been noticed. Learned State counsel also submits that there are two temples, by names Ezhar Kuttai Muniswarar Temple and Muniswarar Temple.

5. This Court has repeatedly held that all temples vide sub-section(3) of Section 1 of 'The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity] are public temples unless exempted under Section 4 of TN HR & CE Act or declared as a private temple by a civil Court of appropriate jurisdiction. Therefore, in the light of the submissions made by learned State counsel for R1 to R3, we deem it appropriate to implead the Commissioner, Hindu Religious and Charitable Endowment Department, No.124, Uthamar Gandhi Salai, (previously Nungambakkam High Road),



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Nungambakkam, Chennai – 600 034 and the Assistant Commissioner, Hindu

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Religious and Charitable Endowment Department, Krishnagiri District as

R13 and R14. Mr.K.Karthikeyan, learned Government Advocate accepts notice for R13 and R14.

6. In the light of the scheme of TN HR & CE Act, we deem it appropriate to call upon R13 and R14 to appoint a Fit person and thereafter proceed in accordance with the TN HR & CE Act. In this regard, all the rights and contentions of private respondents (R4 to R12) stand preserved. We make it clear that rights, if any, of the private respondents R4 to R12 will stand preserved qua alleged encroachment.

7. In the light of the narrative thus far, this Court deems it appropriate to dispense with notice to private respondents (R4 to R12) making it clear that this order does not touch upon the rights of private respondents and on the contrary, preserves all the rights and contentions of private respondents qua appointment of Fit person as well as removal of encroachments proceedings, if any.

8. Therefore, with the consent of learned State counsel and learned counsel for writ petitioner, main WP is taken up.



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9. The submissions of learned State counsel that removal of encroachment proceedings under appropriate Statute and by following due procedures under applicable law will be commenced as expeditiously as the business of official respondents would permit but in any event within eight weeks i.e., on or before 28.07.2025 is recorded as an undertaking given to this Court.

10. Learned counsel for writ petitioner submits that recording of the aforesaid undertaking douses the anxiety of the writ petitioner.

Captioned WP disposed of in the aforesaid manner. In the light of the order made in the main WP, captioned WMP is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

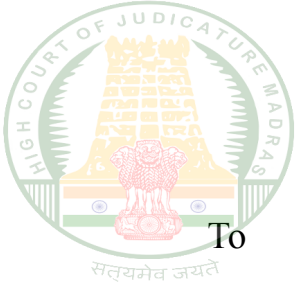
(H.C.,J.)

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Neutral Citation : Yes / No

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and
HEMANT CHANDANGOUDAR, J.,**

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