



W.P.No.13342 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

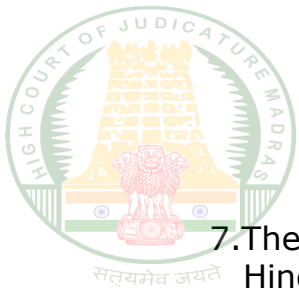
W.P.No.13342 of 2025
and
W.M.P. No.14933 of 2025 in W.P. No.13342 of 2025

V.Gandipan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by District Collector,
Chengalpattu District.
- 2.The Commissioner,
Tambaram City Municipal Corporation,
Chennai – 600 045.
- 3.V.Srinivasan
- 4.S.Valayapathy
- 5.Rajeshwari
- 6.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.124, Uthamar Gandhi Salai
(previously Nungambakkam High Road),
Nungambakkam, Chennai – 600 034.



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7.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kanchipuram.

8.The Revenue Divisional Officer,
Revenue Divisional Office,
Tambaram.

9.The Tahsildar,
Taluk Office,
Tambaram.

... Respondents

(R6 to R9 impleaded suo motu vide
order dated 16.04.2025 made in
W.P.No.13342 of 2025)

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the first and second
respondents to remove the encroachments made by the respondents 3
to 5 at Temple Tank situated in Government poramboke at Survey
No.204/7, Peerkankaranai Village, Tambaram Taluk, Chengalpattu
District.

For Petitioner : Mr.K.Elangoo
for Krishna Law Associates

For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1, R8 and R9
Mr.T.K.Saravanan,
Additional Government Pleader
for R2
Mr.S.Ravichandran,
Additional Government Pleader
(H.R. & C.E.) for R6 and R7



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ORDER

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

Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'Survey No.204/7, 169, Peerkankaranai Village, Tambaram Taluk, Kanchipuram District' (hereinafter 'said property' for the sake of convenience and clarity). To be noted, said property has been classified as 'Temple Tank' situate in Government poramboke is the say of Mr.K.Elangaoo of M/s.Krishna Law Associates (Law Firm) for writ petitioner.

2. There is encroachment in said property and there is inaction on the part of official respondent inspite of repeated requests and representations is further say of learned counsel for writ petitioner. To be noted, it is alleged that R3 and R4 are encroachers and R5 is actively assisting the alleged encroachment is further say of learned counsel.

3. For the present, issue notice to official respondents.



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4. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R2.

5. Writ petitioner claims that he is the trustee of 'Karuneeswarar Karunyambaal Temple' (hereinafter 'said temple' for the sake of convenience and clarity). Therefore, we deem it appropriate to suo motu implead the Commissioner, Hindu Religious and Charitable Endowments Department, No.124, Uthamar Gandhi Salai (previously Nungambakkam High Road), Nungambakkam, Chennai – 600 034 as R6 and the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Kanchipuram as R7. Mr.S.Ravichandran, learned Additional Government Pleader (H.R. & C.E.) accepts notice for R6 and R7.

6. Considering the limited legal perimeter of the captioned main WP, main WP was taken up in the Admission Board with the consent of learned counsel on both sides.

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7. Mr.T.K.Saravanan, learned State counsel submitted on instructions that inspection qua said temple has already been done by the jurisdictional Tahsildar and some encroachment has been noticed. At this juncture, we do not express any opinion one way or the other on the alleged encroachment.

8. As regards said temple, though the writ petitioner claims to be the trustee, there is no document to demonstrate that writ petitioner has been appointed as trustee. There is also no document to demonstrate that said temple is a private temple. Therefore, we take judicial notice of this aspect of the matter and by exercising our inherent powers we would be giving some directions to R6 and R7 in this regard infra.

9. Before we write the operative portion of the order, we deem it appropriate to *suo motu* implead jurisdictional Revenue Divisional Officer viz., The Revenue Divisional Officer, Revenue Divisional Office, Tambaram and jurisdictional Tahsildar viz., The Tahsildar, Taluk Office, Tambaram as R8 and R9 respectively. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R8 and R9 also.



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10. In the light of the narrative and discussion thus far, the following order is made:

10.1 R6 and R7 shall do the needful for appointment of a Fit Person qua said temple forthwith [to be noted, it is submitted by learned counsel for writ petitioner that there is a hundial in the said temple but the fact existence of flagstaff (துவஜஸ்தம்பம்) is not clear];

10.2 As regards said property, R9 shall conduct a survey under the supervision of R8 after putting the writ petitioner and private respondents / R3 to R5 on notice and such survey shall be conducted as expeditiously as the business of R8 and R9 would permit but in any event within a fortnight from today i.e., on or before 30.04.2025;

10.3 Post survey, a survey report shall be drawn up. In the survey report, if any encroachment is found, appropriate action under applicable law be it 'The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007' (hereinafter 'Tanks Act' for the sake of convenience and clarity) or 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} or any other statute shall be commenced by the official respondent concerned within a fortnight from



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30.04.2025 i.e., on or before 14.05.2025;

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10.4 On being show caused/given an opportunity qua private respondents / R3 to R5 and/or any other alleged encroacher, all the rights and contentions of said noticees are preserved as we have not expressed any opinion or view one way or the other about alleged encroachment. To be noted, this is the safety valve which we have put in place qua private respondents and therefore we are dispensing with notice to private respondents and we have taken up the captioned main WP in the Admission Board with the consent of learned counsel on both sides;

10.5 Post appointment of Fit Person, all the rights and contentions of writ petitioner are preserved and protected for making claim qua hereditary trustee, private temple or any other claim permissible in law. All questions are left open and no opinion is expressed except a directive to appoint Fit Person forthwith which is a transitory provision and this, as already alluded to supra, is by taking judicial notice of facts before us more so as there is a hundial in said temple;

10.6 Removal of encroachment commenced under appropriate/ applicable statute on or before 14.05.2025



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shall be continued and concluded by carrying it to its logical end as expeditiously as the business of official respondents would permit.

11. Captioned main WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

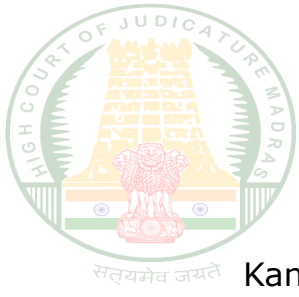
(M.S.,J.) (K.G.T.,J.)
16.04.2025

Index : Yes
Neutral Citation : Yes
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To

- 1.The District Collector,
Chengalpattu District.
- 2.The Commissioner,
Tambaram City Municipal Corporation,
Chennai – 600 045.
- 3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
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Nungambakkam, Chennai – 600 034.
- 4.The Joint Commissioner,
Hindu Religious and Charitable

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Endowments Department,
Kanchipuram.

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5.The Revenue Divisional Officer,
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6.The Tahsildar,
Taluk Office,
Tambaram.

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**



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