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W.P. No.14308 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM:

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

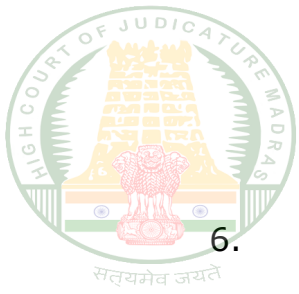
W.P.No.14308 of 2025

Dr. S. Asokkumar

Petitioner

VS.

1. The Additional Chief Secretary/Commissioner
Revenue and Disaster Management Department
Ezhilagam
Chepauk
Chennai 600 005
2. The District Collector
Salem District
3. The District Revenue Officer
Collectorate Office Campus
Salem – 636 001
4. The Revenue Divisional Officer
Near Fire Statiion
Suramangalam
Salem 636 005
5. The Tahsildar
Taluk Office
Vazhappadi
Salem 636 115



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6. The Executive Officer
Office of the Executive Officer
H.R. & C.E. Department
Arulmigu Thanthonreeswarar Temple Campus
Belur Post
Vazhappady Taluk
Salem District 636 104

7. The Village Administrative Officer
Belur Village
Vazhappadi Taluk
Salem District

8. D. Ramamoorthy Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the fifth respondent to implement the order passed by the fourth respondent in his proceedings *vide* O.Mu.No.4047/2024/Aa3 dated 21.01.2025 and thereby remove the encroachment made by the eighth respondent in the Government poramboke land comprised in Survey No.349/15 situated at Belur Village, Vazhappadi Taluk, Salem District and restore the pathway within a time frame.

For petitioner Mr. S. Selvakumar

For RR 1 to 5 & 7 Mr. T.K. Saravanan
Addl. Govt. Pleader

For R6 Mr. S. Ravichandran
Addl. Govt. Pleader (HR & CE)

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ORDER

[made by M. SUNDAR, J.]

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Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer seeking issue of a writ of mandamus *i.e.*, to mandamus R5 (Tahsildar) to implement a communication dated 21.01.2025 bearing reference O.Mu.No.4047/2024/Aa3, a scanned reproduction of which is as follows:

வருவாய் கோட்டாட்சியர் அலுவலகம், தீயணைப்பு நிலையம் அருகில், சூரமங்கலம், சேலம் - 636 005.
REVENUE DIVISIONAL OFFICE, NEAR FIRE STATION, SURAMANGALAM, SALEM - 05.
தொலைபேசி: 0427- 2904666 மின் அஞ்சல்: rosalemnorth@gmail.com

ஓ.மு. எண். 4047/2024/ஆ3 நாள். 21.01.2025.

குறிப்பாணை

பொருள் : ஆக்கிரமிப்பு - சேலம் மாவட்டம் - வாழப்பாடி வட்டம் - பேரூர் அஞ்சல் - 34. V.O.C தெரு என்ற முகவரியைச் சேர்ந்த Prof.Dr.S.அசோக்குமார் என்பவர் பேரூர் பெருமாள் கோவில் ச.எண். 176/2, 349/15, 349/31 பாதை ஆக்கிரமிப்பு தொடர்பாக மனு அளித்துள்ளது - தொடர்பாக.

பார்வை : மாவட்ட ஆட்சியரின் கட்டுதல் நேர்முக உதவியாளர் (நிலைம்) அவர்களின் கடிதம் ஓ.மு. 2350331/2022.கே4 நாள் 12.09.2024.

பார்வையில் கண்டுள்ளவாறு வரப்பெற்றுள்ள கடிதம் இத்துடன் இணைத்தனுப்பப்படுகிறது.

மனுதாரரின் கோரிக்கை தொடர்பாக நடைமுறையில் உள்ள அரசு விதிமுறைகளின்படி உரிய நடவடிக்கை மேற்கொண்டு அதன் விவரத்தை மனுதாரருக்கும், இவ்வலுவலகத்திற்கும் தெரிவிக்குமாறு வாழப்பாடி வட்டாட்சியர் கேட்டுக்கொள்ளப்படுகிறார்.

இணைப்பு - மேற்கண்டவாறு.

ஓம்/-அ.அபிநயா
வருவாய் கோட்டாட்சியர்,
சேலம்.

// உண்மை நகல் //

தலைமை உதவியாளர்

21/1/25

பெறுதல்
வட்டாட்சியர்,
வாழப்பாடி.

நகல்
திரு. Prof.Dr.S.அசோக்குமார்.
34. V.O.C, பேரூர் அஞ்சல்.
வாழப்பாடி வட்டம்,
சேலம் - 636 104.



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2. Writ petitioner is unable to demonstrate his locus *qua*

Arulmigu Thanthonreeswarar Temple. Therefore, we discharge the writ petitioner and substitute the writ petitioner by way of Executive Officer of said temple who is R6 before us. To be noted, Executive Officer is appointed under Section 45 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959) [hereinafter 'TN HR & CE Act' for the sake of brevity]. It is also to be noted that writ petitioner is unable to demonstrate any averment in the writ support affidavit to the effect that writ petitioner is a person interested in the temple within the meaning of sub-section (15) of Section 6 of TN HR & CE Act.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 5 and 7 and Mr. S. Ravichandran, learned Additional Government Pleader (TN HR & CE), accepts notice for R6.



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5. Learned State counsel for RR 1 to 5 and 7 submits that survey has to be conducted and if any encroachment is noticed in the survey, be it by private respondent (R8) or any other encroacher, suitable action under appropriate/applicable law will be commenced.

6. In the light of the stated position of the learned State counsel for RR 1 to 5 and 7, we deem it appropriate to protect / preserve all the rights and contentions of R8, more particularly if R8 is show caused, on this basis, dispensing with notice to R8, we take up the captioned (main) WP with the consent of learned counsel for writ petitioner, learned State counsel for RR 1 to 5 and 7 and learned State counsel for R6 in the Admission Board.

7. As a sequitur to narrative and discussion *supra*, the following order is made:

- i. R5 shall conduct a survey of lands comprised in S.No.349/15 in Belur Village, Vazhappadi Taluk, Salem District, after putting on notice RR 6 and 8, as expeditiously as the official business of R5 would permit but in any event within six weeks from today *i.e.*, on or before 04.06.2025;



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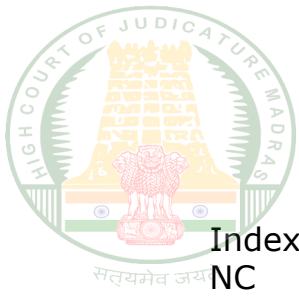
- ii. Post survey in the aforesaid manner, a survey report shall be drawn up. In the survey report, if encroachment is noticed either by R8 or by any other encroacher *qua* said land, suitable action shall be commenced by the official respondents *i.e.*, suitable action for removal of encroachment, within six weeks from 04.06.2025 *i.e.*, on or before 16.07.2025;
- iii. Though obvious, we make it clear that commencement of suitable action under appropriate / applicable law necessarily means R8 and/or any other encroacher being show caused/being given an opportunity; and
- iv. If such a scenario unfurls, as already alluded to *supra*, all the rights and contentions of R8 and/or any other alleged encroacher, will stand unaffected by this order and it will be open to the noticee concerned to raise all the points available in response to the show cause notice or when opportunity is given.

Captioned WP stands disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
23.04.2025

cad

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Index : Yes/No
NC : Yes/No

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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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