



W.P.Nos.13748 & 13756 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.13748 & 13756 of 2025

and

WMP.Nos.15449 & 15440 of 2025

Annapoorani

... Petitioner in W.P.No.13748/2025

Amul

... Petitioner in W.P.No.13756/2025

Vs.

1.The Joint Commissioner

Hindu Religious Charitable Endowments Department
College Road, Chennai 600 006.

2.The Assistant Commissioner

Hindu Religious & Charitable Endowments Department
College Road, Chennai 600 006.

3.The Executive Officer

Arulmigu Somanathaswamy Temple
Sannithi Street, Kolathur
Chennai 600 009.

...Respondents in both W.P.Nos.



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Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.04.2025 within a stipulated time and grant such other suitable orders.

For Petitioners in
both W.P.Nos. : Mr.C.Umashankar

For Respondents
in both W.P.Nos. : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)

COMMON ORDER

These Writ Petitions are filed for a direction to the respondents to consider the petitioners representation dated 09.04.2025.

2. Upon hearing, Mr.Umashankar, the learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, the Special Government Pleader appearing for the respondents, it can be seen that both these petitioners are encroachers into temple land. By the representation they seek to become tenant under the temple.



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3. When the matter came up for admission, the Special Government Pleader would submit that the entire extent is going to be leased out to another Government Department for the purpose of establishing an integrated Police Station Complex. Therefore, there is no question of recognising these petitioners as the tenant.

4. In view thereof, the prayer made in the Writ Petitions cannot be countenanced. The further prayer that is made by Mr.C.Umashankar, the learned counsel for the petitioners is that they cannot be just like that thrown away from the land without following the due process of law, as they are in occupation by putting up a small tin sheet structures and they are living therefor long time.

5. The learned Special Government would submit that when the authorities approached the petitioners they themselves have voluntarily written to the authorities on 07.04.2025 agreeing to vacate on or before 10.04.2025. Be that as it may, a perusal of the said letter, it is a composite



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one. While agreeing to vacate they are also praying that an alternative accommodation in the housing board be relocated to them. That it is not a matter of right for the petitioners. If only there is any scheme and there is availability, depending on the eligibility of the petitioners the Government will consider. However, in order to vacate the petitioners, who are there in the temple property, the respondents have to follow the procedure that is mandated under law. They have to issue a show cause notice under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the petitioners shall make such objections whatsoever and thereafter, final orders can be passed and only by following the said procedure the petitioners shall be vacated.

6. The learned Special Government Pleader pleads that there is urgency in the matter.

7. It can be seen that only a minor portions were occupied by the petitioners and the entire project need not be stalled, the project can proceed and in the meanwhile, the steps can be taken in the manner known to law. The



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submission made by the learned counsel for the petitioners that several other

encroachments have been removed is also recorded.

8. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.04.2025

Neutral Citation : No
dna

To

- 1.The Joint Commissioner
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College Road, Chennai 600 006.
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D.BHARATHA CHAKRAVARTHY, J.

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