



W.P.No.20624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.20624 of 2025

G. Vijayan

Petitioner

vs.

1. The District Collector
Chennai District
Rajaji Salai
Chennai 600 001
2. The Revenue Divisional Officer
Chennai – North
Mahalakshmi Nagar
Puzhal
Chennai 600 060
3. The Tahsildar
Kolathur Taluk
GKM Colony
Chennai 600 082
4. The Chairman
Board of Trustees
Arulmigu Somanatha Swamy Thirukoil
Kolathur
Chennai 600 099
5. Nandhagopal

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment caused by the fifth respondent on the sacred pond by demolishing the illegal structures situated in T.S.No.67, Block No.26, Old S.No.87 (Part), viz., Surya Kulam, Kolathur Village, presently Kolathur Taluk.

For petitioner	Mr. T.S. Kanmani
For RR 1 to 3	Mr. T.K. Saravanan Addl. Govt. Pleader
For R4	Mr. N.R.R. Arun Natarajan Special Govt. Pleader (HR & CE)

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a removal of encroachment prayer *qua* a 'pond in T.S.67, Block No.26, Old S.No.87 (Part), viz., Surya Kulam, Kolathur Village, presently Kolathur Taluk' [hereinafter 'said pond' for the sake of convenience and clarity].



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2. Mr. T.S. Kanmani, learned counsel on record for writ petitioner, submits that R5 (Nandhagopal-private respondent) is the alleged encroacher. Repeated requests to official respondents have not yielded results and that has necessitated the captioned WP, is learned counsel's further say.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and and Mr. N.R.R. Arun Natarajan, learned Special Government Pleader (HR & CE), accepts notice for R4.

5. Mr. T.K. Saravanan, learned State counsel, submits, on instructions, that a survey has been conducted on 21.05.2024 (survey by R3), encroachment *qua* said pond has been noticed and proceedings under Section 78 of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of convenience and clarity]

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are in the anvil.

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6. Proceedings under Section 78 of the TN HR & CE Act necessarily means that the alleged encroacher *i.e.*, R5 and/or any other alleged encroacher(s) will be put on notice, given an opportunity and there will be adjudication before final orders are passed. Therefore, we make it clear that all the rights and contentions of R5 and/or any other alleged encroacher/s shall stand preserved and this order does not touch upon the rights of R5 and/or any other alleged encroacher(s) in any manner. In this view of the matter, we dispense with notice to R5 and take up the captioned WP.

7. Captioned WP stands disposed of by recording the aforesaid stated position of learned State counsel that a proceedings under Section 78 of TN HR & CE Act *qua* said pond shall be commenced as expeditiously as the business of officials concerned would permit but in any event within six weeks from today, *i.e.*, on or before 23.07.2025. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
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