



W.P.(MD) No.2966 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.2966 of 2025

Paalthai

.. Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul.
- 3.The Inspector,
Hindu Religious and Charitable Endowment,
Dindigul.

4.Bose

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to inspect and file report with regard to encroachment made by the 4th respondent in Survey No.327/2 to an extent of 1 Acre 2 cents at Nadakottai Village which is earmarked as temple lands of Arulmigu



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Vinayagar Thirukovil, Nadakottai Village, Nilakottai, Dindigul District and thereby forward the same to the 1st respondent for suitable action by invoking the provisions of Hindu Religious Charitable Endowments Act, 1959 by considering the representation dated 26.12.2024.

For Petitioner : Mr.A.Siva Subramanian
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The limited prayer that is sought for in this writ petition is to consider the petitioner's representation dated 26.12.2024 and to take action against the fourth respondent for removing the encroachment.

2. However, considering the fact that the second respondent as early as in the year 2018, had directed the third respondent to file a statutory report in respect of the encroachment made in the lands belonging to the Vinayagar Temple, Nadakottai Village, Nilakottai, Dindigul District, and that the petitioner had made a representation now to the second respondent to proceed further based on such



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communication, this Court is of the view that a direction could be issued to the second respondent to proceed in the manner known to law particularly under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, if there is any encroachment. Since the fourth respondent, who is alleged to be the encroacher would also be given an opportunity, if such proceedings is initiated, notice to the fourth respondent is dispensed with. In view of the same, there shall be a direction to the second respondent to consider the representation of the petitioner dated 26.12.2024 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

3. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

31.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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K.KUMARESH BABU, J.

abr

To

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Dindigul.
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Hindu Religious and Charitable Endowment,
Dindigul.
- 3.The Inspector,
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