



W.P.(MD) No.15170 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15170 of 2017

and

W.M.P.(MD) Nos.11982 and 11983 of 2017

A/M.Brahmapureeswarar Temple,
Rep., by its Executive Officer,
Office at A/M.Ramalingasamy Thirukoil,
108, Sivalayam, Papanasam,
Thanjavur District.

.. Petitioner

Vs.

- 1.The Block Development Officer,
Papanasam Panchayat Union,
Papanasam, Thanjavur District.
- 2.The Tahsildar,
Papanasam Taluk,
Papanasam, Thanjavur District.
- 3.The District Collector,
Thanjavur District.
- 4.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Thanjavur.



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5. The President,
Pasupathi Kovil Village,
Papanasam Union,
Thanjavur District.

.. Respondents

***[R3 to R5 – suo motu impleaded
vide order dated 24.02.2023 made
in W.P.(MD) No.15170 of 2017]***

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent not to classify the land comprised in Survey No.282/1A which has an extent of 0.53.0 ares situated in Pasupathi Koil Village, Papanasam Taluk, Thanjavur District absolutely owned by A/M.Brahmapureeswarar Temple, Pasupathikoil as Natham and treat the land as Punja Land in the revenue records and consequentially directing the first respondent to remove the construction put up in a portion of the property comprised in Survey No.282/1A situated in Pasupathi Koil Village, Papanasam Taluk, Thanjavur District.

For Petitioner	:	Mr.V.Chandrasekar
For RR1 & 2	:	Mr.T.Amjadkhan Government Advocate



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For R3 : Mr.P.Subbaraj
Special Government Pleader

For R4 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The temple has knocked at the doors of this Court seeking the following relief:

“For the issue of a Writ of Mandamus directing the second respondent not to classify the land comprised in Survey No.282/1A which has an extent of 0.53.0 ares situated in Pasupathikoil Village, Papanasam Taluk, Thanjavur District absolutely owned by A/M.Brahmapureeswarar Temple, Pasupathikoil as Natham and treat the land as Punja Land in the revenue records and consequentially directing the first respondent to remove the construction put up in a portion of the property comprised in Survey No.282/1A situated in Pasupathikoil Village, Papanasam Taluk, Thanjavur District.”

2. It is the case of the Executive Officer of the petitioner temple that the temple is a famous one where Saints Thirunavukarasar and



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Thirugnanasambandar had sung in the praise of the lord and the nanja and punja lands and one of the properties so owned by the deity is situate adjacent to the temple and comprised in S.No.282/1A measuring a total extent of 0.53.0 ares, which has been classified as punja land. It is the allegation of the Executive Officer that certain unscrupulous land grabbers, with the active connivance of the Revenue Officials, have grabbed the land by reclassifying the agricultural punja/nanja lands into natham without authority, got permission to put up construction and thereafter, slowly grabbed the property belonging to temple. It is not known as to how such reclassification is being done. The temple has lost considerable property by reason of the above *modus operandi*. The land in respect of which the writ petition is filed is the one adjacent to the temple. The said lands have now been classified as natham and reclassified as New S.Nos.282, 691, 692 and 693 to 700. The first respondent has also put up some construction in the said property which has to be forthwith stopped. Therefore, the petitioner has come forward with the present writ petition.



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3. The first respondent had filed a counter and a status report has been filed by the third respondent District Collector, Thanjavur, who had been directed by orders of this Court dated 24.02.2023 to file a status report.

4. A perusal of the status report to which a sketch has been appended clearly shows that the lands measuring an extent of 0.53.0 Hectares that is 57028 sq. ft. stand in the name of the petitioner temple as per the revenue records. In this land, on the north western corner, a park has been laid by the Rural Development Department measuring an extent of 0.23.5 Hectares and it is also being used by the devotees of the temple along with local villagers. Further, a gym with metal sheet roofing has also been constructed in an extent of 1050 sq. ft. In paragraph Nos. 8 and 9, the third respondent has stated the present status of the occupation of the property.

5. From the counter filed by the first respondent, it is seen that the entire area comprised in S.No.282/1A belongs to the Hindu Religious



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and Charitable Endowments Department and the same has been ***“encroached upon”*** for implementing the Government Schemes. The counter would further state that the respondents will approach the Commissioner, Hindu Religious and Charitable Endowments Department seeking lease of the said land for the welfare of the people. As on date, the said land only consists of a park, gym and toilet. The respondents shall ensure that they shall maintain lung space in this area.

6. In view of the above, this writ petition is disposed of. The respondents shall approach the Commissioner, Hindu Religious and Charitable Endowments Department within a period of two months from the date of receipt of a copy of this order seeking lease of the land. The sketch shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

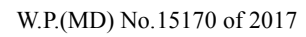
30.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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Papanasam Panchayat Union,
Papanasam, Thanjavur District.
2. The Tahsildar,
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P.T.ASHA, J.

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