



W.P(MD)No.28548 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : **04.12.2023**

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

**W.P(MD)No.28548 of 2023**  
**and W.M.P.(MD)No.24613 of 2023**

T.R.Ramalingasamy

... Petitioner

vs.

- 1.The District Collector,  
Collector Office,  
Thanjavur.
- 2.The Block Development Officer,  
Block Development Office,  
Orathanadu Taluk,  
Thanjavur.
- 3.The Executive Officer,  
HR & CE,  
Arulmigu VanmeegaNathar Swami Thirukovil,  
No.4, Kovilur, Orathanadu Taluk,  
Thanjavur District.
- 4.The Joint Commissioner,  
HR & CE,  
No.56, Sachidananda Moopnar Road,  
NSC Bose Nagar, Ramani Nagar,  
Thanjavur – 613 007.



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5.Senior Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Thanjavur Region,  
Thanjavur.  
(Fifth respondent *suo motu* impleaded vide  
order of this Court dated 04.12.2023)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, by quashing the impugned order of the 1<sup>st</sup> respondent in his office proceedings Na.Ka.No. 3803/2023/A12 dated 10.06.2023 and directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents not to carry out any construction in the S.No. 87/8 at Palamputhur Village, Orathanadu Taluk.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.P.Thilak Kumar,  
Government Pleader for R1 & R2  
Mr.V.Chandrasekaran for R3  
Mr.M.Senthil Ayyanar,  
Government Advocate for R4  
Mr.K.R.Badurus Zaman,  
Standing Counsel for R5  
(impleaded party)

## **ORDER**

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned 'Writ Petition' ('WP' for the sake of brevity) has been filed on 29.11.2023 in this Court as a 'Public Interest Litigation' ('PIL' for the sake of brevity).



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2. Short facts are that the 'Tamil Nadu Civil Supplies Corporation' ('TNCSC' for the sake of brevity), Thanjavur Region has commenced construction of a 'Direct Paddy Procurement Centre' (hereinafter 'said procurement centre' for the sake of convenience and clarity) (நேரடி நெல்கொள்முதல் நிலையம்) in 'S.No.87/8 in Palamputhur Village, Orathanadu Taluk, Thanjavur District' (hereinafter 'said land' for the sake of convenience and clarity); that the construction of said procurement centre in said land is being objected to by PIL petitioner on the ground that the said land belongs to 'Arulmigu Muthumariamman Temple, Palamputhur Village, Orathanadu Taluk, Thanjavur District' ('said temple' for the sake of convenience and clarity); that said temple is governed by the '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}.

3. In the Admission Board today, Mr.D.Venkatachalam, learned counsel on record for PIL petitioner adverted to the aforementioned facts and submitted that putting up of said procurement centre in said land is being objected to on the ground that said land belongs to said temple.



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**4. Issue notice.**

**5.** Mr.P.Thilak Kumar, learned Government Pleader accepts notice for respondents 1 and 2, Mr.V.Chandrasekaran, learned counsel accepts notice for third respondent and Mr.M.Senthil Ayyanar, learned Government Advocate accepts notice for fourth respondent. The Tamil Nadu Civil Supplies Corporation represented by Senior Regional Manager, Thanjavur Region, Thanjavur is suo motu impleaded as fifth respondent and Mr.K.R.Badurus Zaman, accepts notice for the fifth respondent.

**6.** Considering the limited scope of the matter, main Writ Petition was taken up with the consent of both sides and after hearing both sides and after perusing the available records, the following points emerged:

i) as regards the locus of PIL petitioner, learned counsel is unable to show any material or even an averment to demonstrate that PIL petitioner is a 'person having interest' within the meaning of Section 6 sub clause (15) of TN HR & CE Act.

ii) locus to the PIL petitioner is also assailed by the



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State counsel saying that he is not a resident of Palamputhur Village;

iii) to put rest to the aforesaid two points without expressing any view or opinion on the challenge to the locus and *bona fides* of the PIL petitioner on the short point that there is no material to demonstrate that PIL petitioner is a 'person having interest' within the meaning of TN HR&CE Act, we discharge the PIL petitioner but this Court is *parens patriae* as regards temples and *custodia legis* qua temple interests going by A.A.Gopalakrishnan's case being principle laid down by Hon'ble Supreme Court in ***A.A.Gopalakrishnan v. Cochin Devaswom Board and Ors.***, reported in ***(2007) 7 SCC 482***. In this view of the matter this Court now examines the captioned PIL petition.

7. As regards said land, it is clear that said land does not belong to said temple. On the contrary it vests in the Government. It was originally classified as 'Government Poramboke, Punjai tharisu' and subsequently after sub division into 87/8A and 87/8B, 1.45.00 hectares is



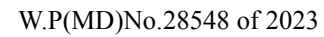
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'Tharisu' and 0.16.00 hectares belongs to TNCSC. Said land is not a water body either.

8. The said procurement centre construction of which has commenced would be in an extent of only 40 cents (0.16.00 hectares) whereas said land admeasures 3.97 acres in all (1.61.00 hectares).

9. Learned State Counsel submitted that the construction will not in any manner obstruct the circumambulation of temple car. Learned State Counsel also on instructions submit that it will not affect the tank adjoining the temple which is being used by the worshipers. The further submission (alluded to supra) that only 40 cents (0.16.00 hectares) in said land will be used for putting up said procurement centre is also recorded.

10. Learned counsel for third respondent submitted that the fourth respondent has sent a representation to the first respondent being representation dated 08.09.2023 bearing reference ந.க.எண்.11326/2023/ஆ3. This Court had the benefit of perusing the representation. This communication to say the least appears to be misconceived as it proceeds on the basis that said land belongs to said temple and that it is a water body.

[illegible]



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12. In the aforementioned representation, the plea that permission of 'Tamil Nadu Hindu Religious and Charitable Endowments Department' (hereinafter 'TN HR&CE Dept.' for the sake of brevity) should be obtained is negated by this Court itself as said land is not temple land. Equally the other part of the representation which says that said land is Thirukovil tank land is also negated as that is not the records. As already alluded to supra, it is not a water body.

13. However, third respondent has brought up the issue that construction of said procurement centre is likely to cause inconvenience to the worshipers and this has been articulated in paragraph 2 of four paragraphs representation. To be noted, the representation does not contain paragraphs numbers and we are referring to as 'paragraph 2' to the sequence it occurs. For convenience we reproduce the second paragraph again and the same is as follows:

'இத்திருக்கோயில் இச்சுற்றுவட்டாரத்தில் மிகவும் பிரசித்திபெற்ற பிரார்த்தனை ஸ்தலமாகும். இத்திருக்கோயில் 12 ஊர் பொது மக்கள்கள் வழிபடும் திருக்கோயில் ஆகும். இத்திருக்கோயில் திருவிழா சுவாமி எடுத்து வந்து காப்பு கட்டி 12 நாள் மண்டகப்படியும் மூன்று நாள் திருவிழாவும், முதல் நாள் பால்குடம், இரண்டாவது நாள் முத்துப்பல்லக்கு, மூன்றாம்



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நாள் தேர் திருவிழாவும் வெகு சிறப்பாக நடைபெறும். இத்திருவிழாவிற்கு நாள் ஒன்றுக்கு சுமார் 15000 நபர்கள் வருவார்கள் பால்குடம், திருத்தேர் திருவிழா அன்று 12 கிராமத்து மக்கள் இங்கு ஒன்றாக கூடுவார்கள். இத்திருக்கோயில் திருக்குளத்தில் நீராடி சுவாமி தரிசனம் செய்வது வழக்கமாகும். இத்திருக்கோயிலுக்கு சொந்தமான திருக்குளமானது புல எண் 87/8ல் பரப்பளவு 1.61.00 ஹெ.ஏர்ஸ் உள்ளது. சுமார் இத்திருக்குளமானது 50 வருடங்களுக்கு மேலாக திருக்கோயிலுக்கு எதிரே அமைந்து அந்த குளத்தில் பக்தர்கள் நீராடி பயன்படுத்தி வருகிறார்கள்.'

14. Learned State Counsel has placed before us proceedings of the Revenue authorities which shows that an advertisement has been made as early as on 01.07.2022 *inter alia* calling for objections and no objections have been received thus far.

15. In the light of the narrative and discussion thus far, we make the following order:

i) Though no objections have been received thus far, as alluded to supra as we are exercising *parens patriae* jurisdiction, we would request the first respondent



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to consider the aforementioned second paragraph which has been brought up by the third respondent, make a spot visit either directly or through the Revenue Divisional Officer or Tahsildar and take a decision on the same as expeditiously as the business of the first respondent would permit but in any event by 18.12.2023;

ii) In the course of the aforementioned exercise, whether further documents would be called for and whether any personal hearing would be held are at the discretion of the first respondent, we express no opinion on the same;

iii) The submission of the learned State Counsel that construction of said procurement centre by TNCSC in a part of said land ie., S.No.87/8B will be put on hold till the Collector takes a decision. This submission is recorded. The construction as of today is at the following stage:



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iv) We make it clear that this Course has been adopted as it is temple under TN HR&CE Dept. on the one side and the said procurement centre on the other both of which are public centric. Therefore, the Collector shall take a call balancing the interest of all concerned; and

v) Further construction or an alternate site will depend on the decision taken by the first respondent.

**16.** Captioned Writ Petition is disposed of in the aforesaid manner with the aforesaid directives. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

(M.S., J.) (R.S.V., J.)  
04.12.2023

Index : Yes  
Neutral Citation : Yes

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**Note:**

***Registry to carryout necessary and consequential amendment in the case file and also in the order before uploading / before issuing of certified copies.***



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**M.SUNDAR, J.**  
**and**  
**R.SAKTHIVEL, J.**

vsm

**ORDER MADE IN**  
**W.P(MD)No.28548 of 2023**

**DATED : 04.12.2023**