

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3713/2015 & MP.No.1/2015

S.Ramarasu

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Petitioner

Versus

1.The District Collector
Perambalur District
Perambalur.

2.The Assistant Director of Health
Services, Perambalur,
Perambalur District.

3.A/M.Aiyyanar Temple
rep. By Hereiditary Trustee
Keezha Perambalur,
Perambalur District.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents herein or their subordinates or servants from putting up any construction in the land belonging to Arulmighu Aiyyanar Temple, comprised in survey No.255/12 and situated at Keezha Perambalur village, Kunnam Taluk, Perambalur District, otherwise than in accordance with law.

For Petitioner : Mr.R.Balasubramanian

For R1 & R2 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.R.Balasubramanian, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus forbearing the respondents herein or their subordinates or servants from putting up any construction in the land belonging to Arulmighu

Aiyyanar Temple, comprised in survey No.255/12 and situated at Keezha Perambalur village, Kunnam Taluk, Perambalur District, otherwise than in accordance with law.

3.The petitioner is a resident of Keezha Perambalur village and he is a worshipper of Arulmighu Aiyyanar temple which is situate in the said village. The petitioner states that he is the Hereditary Trustee of the said temple. The grievance of the petitioner is that the 1st respondent has directed a hospital to be located in Survey Nos.228 to 255/12 and the land is said to be belonging to the 3rd respondent/temple. It is further stated that the villagers have given an extent of 4 acres of land for the said purpose and in spite of the same, the temple lands are said to be taken over. The petitioner would state that if the temple lands are to be taken over, then it should be done in accordance with law and without the permission of the Commissioner of the Hindu Religious and Charitable Endowment Department, the lands cannot be utilised for construction of a hospital or used for any other public purpose. In this regard representation is pending. In fact, the District Collector, on receipt of the representation, has called for a report from the Tahsildar, Kunnam Taluk, vide proceedings dated 28.08.2014. It is not known as to what further action has been taken in the matter.

4.In the light of the above, without going into the merits of the petitioner's representation dated 14.08.2014, there will be a direction to the 1st respondent to consider the petitioner's representation dated 14.08.2014 after calling for the report from the Tahsildar, Kunnam Taluk and pass a speaking order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

1.The District Collector
Perambalur District
Perambalur.

2.The Assistant Director of Health
Services, Perambalur,
Perambalur District.

1 cc to Mr.R. Balasubramanian, Advocate, Sr. 7927

WP.No.3713/2015

AK (CO)
kk 20/2



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