

In the High Court of Judicature at Madras

Dated : 23.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.37259 of 2015

Arulmigu Virudhagiriswarar Temple
rep.by its Executive Officer,
Virudhachalam

...Petitioner

Vs

1. The Commissioner, Municipality
Office, Virudhachalam.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity & Distribution
Board, Virudhachalam.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant permission for construction/service connection only with the no objection certificate from the temple administration/HR & CE Department in respect of the temple administration lands.

For Petitioner : Mr.G.Surya Narayanan

For Respondent-1 : Mr.R.Vijayakumar,
Additional Government Pleader

For Respondent-2 : Mr.M.Varunkumar

ORDER

Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice for the first respondent. Mr.M.Varunkumar, learned Standing Counsel accepts notice for the second respondent. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a temple represented by its Executive Officer and they have approached this Court for an innocuous prayer to direct the respondents to consider their objections and also for a direction that without obtaining the no objection certificate from the temple authorities, the respondents should not grant planning permission nor give electricity connection to the persons, who are the occupants/encroachers of the temple lands.

3. According to the learned counsel for the petitioner, the Hindu Religious and Charitable Endowment Department has issued a circular as early as 20.12.1999 and the same has been circulated to the Electricity Board as well as the Local Bodies stating that no construction should be put up in temple lands and even assuming that some construction activities are going on, the Authorities have to first verify from the temple, obtain the no objection certificate and thereafter proceed in accordance with law.

4. This Court can take judicial notice of the fact that vast properties of the temples are occupied by unscrupulous elements. They approach the Authorities with false or fabricated documents and obtain planning permission. Further, there are cases where such encroachers approach the Electricity Board with an offer to furnish indemnity bond to enable them to get the electricity service connection. On account of these surreptitious methods adopted by the encroachers, the temple is unaware of the developments in most of the cases and it comes to light after several years to detect such encroachers and their unauthorized activities. Therefore, this Court is of the view that the plea raised by the temple is fully justified in order to protect the temple properties.

5. Hence, the writ petition is disposed of with a direction to the respondents to henceforth insist upon the no objection certificates from the petitioner temple, whenever applications are received either for planning permission for putting up construction on the temple lands or for obtaining electricity service connection. To enforce this order, the petitioner temple shall first furnish the list of properties, which the petitioner owns and such list along with full details of boundaries, survey numbers, extent, etc., shall be furnished to the respondents, who shall retain the same in their files and scrutinize the applications received by verifying the list of properties as produced by the petitioner. The respondents are directed to comply with the above direction within a period of eight weeks from the date on which, the petitioner temple furnishes the list of properties. No costs.

RS

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

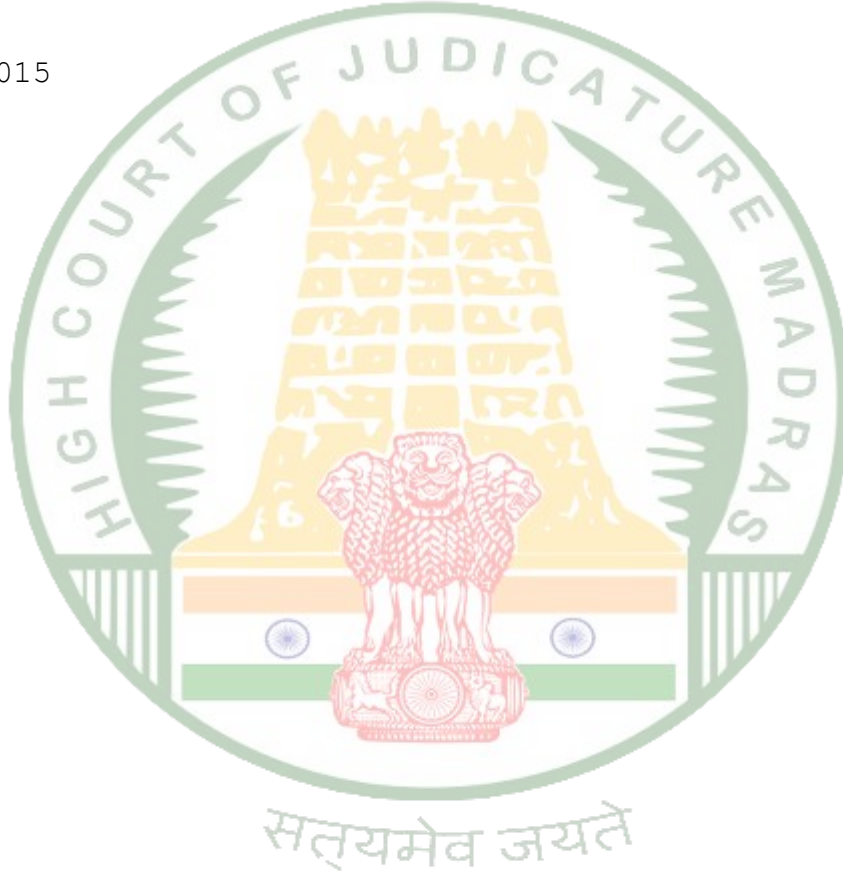
To

1. The Commissioner,
Municipality Office, Virudhachalam.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
& Distribution Board, Virudhachalam.

+1 C.C. To MR.G.Surya Narayanan, Advocate in SR.NO.63177

WP.No.37259 of 2015

GJ(CO)
sd : 08/12/2015



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