

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.12757 of 2016

Sri Kannigaparameshwari Devasthanam  
rep. by its Managing Trustee,  
B.Kumaraguru.

...Petitioner

Vs.

1. The Competent Authority,  
Special District Revenue Officer (L.A)  
National Highways 2005,  
Periyakuppam (near Thulasi Theatre)  
Thiruvallur Taluk and District.

2. The Assistant Commissioner  
,  
Hindu Religious and Charitable Endowments,  
Thiruvallur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records pertaining to the impugned letter, bearing Na.Ka.No.27/2014/Tha.Va (L.A)N.H.205, dated 12.09.2014, of the first respondent and to quash the same, and consequently, to direct the first respondent to release the award amount of Rs.12,42,780/- arrived under the Award No.67/2013 (R.C. 35/2010/Unit - IV) dated 29.08.2013, in the name of the petitioner Devasthanam within a time frame without insisting or requiring a No objection certificate from the second respondent.

For Petitioner : Mr.C.N.G.Niraimathi

For Respondent-1 : Mr.R.Rajeswaran,  
Special Government Pleader

For Respondent-2 : Mrs.Rita Chandrasekaran  
Special Government Pleader

O R D E R

This Writ Petition has been filed to quash the impugned order passed by the first respondent, dated 12.09.2014, and

consequently, to direct the first respondent to release the award amount of Rs.12,42,780/- arrived under the Award No.67/2013 (R.C. 35/2010/Unit - IV) dated 29.08.2013, in the name of the petitioner Devasthanam, within a time frame without insisting or requiring No objection certificate from the second respondent.

2. Heard the learned counsel appearing for the parties.

3. The petitioner is a Temple called "Sri Kannigaparameshwari Devasthanam", represented by its Managing Trustee, B.Kumaraguru, and the challenge in this Writ Petition is to the proceeding issued by the first respondent, addressed to the second respondent, calling upon him to issue no objection certificate before the amount of compensation for the land, which have been taken over for the National Highways Project is released in favour of the petitioner.

4. On instructions, the learned Special Government Pleader for the second respondent/H.R.& C.E. Department submits that, in terms of the Religious Institutions (Custody, Investments and Lending or Borrowing Moneys) Rules 1963, money shall be retained in deposit in the name of the Temple, and shall not be withdrawn without previous permission of the Commissioner of H.R.& C.E.

5. The learned counsel appearing for the petitioner submits that the petitioner has no objection for deposit of the amount in the name of the Temple, infact, the petitioner is the Temple, represented by its Managing Trustee.

6. In the light of the above, the impugned order, insisting upon NOC from the second respondent is quashed as unnecessary, with a direction to the first respondent to release the compensation made in the name of the petitioner Temple, "Sri Kannigaparameshwari Devasthanam", and be kept in a Fixed Deposit in an interest bearing account in the name of the Deity. The petitioner/Temple, through its trustees are entitled to pursue their claim for enhanced compensation.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

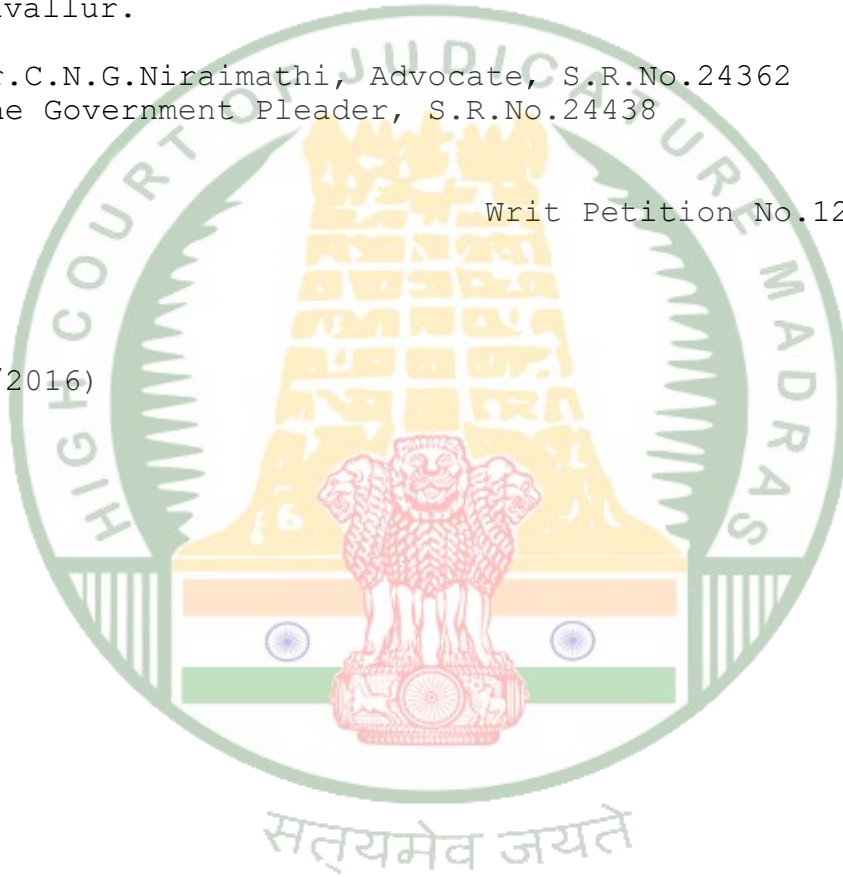
To

1. The Competent Authority,  
Special District Revenue Officer (L.A)  
National Highways 2005,  
Periyakuppam (near Thulasi Theatre)  
Thiruvallur Taluk and District.
2. The Assistant Commissioner  
Hindu Religious and Charitable Endowments,  
Thiruvallur.

+1cc to Mr.C.N.G.Niraimathi, Advocate, S.R.No.24362  
+1cc to the Government Pleader, S.R.No.24438

Writ Petition No.12757 of 2016

gj (CO)  
srg (05/05/2016)



WEB COPY