

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13533 of 2016

Perundurai Kadaikulam and
Medhikulam Narpani Mandram,
Rep. by its Honorary President,
No.22, Chinnamadathupalayam,
Perundurai, Erode District.

... Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai-600 034.
2. The District Collector,
Erode.
3. The District Revenue Officer,
Erode.
4. The Tahsildar,
Perunduari, Erode District.
5. The Executive Officer,
Arulmigu Sellandiamman Thirukovil,
Perundurai-638 052.
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 2 to 4 to transfer and hand over the land in S.Nos.1151/7 and 1151/8 of Perundurai Village, totally measuring an extent of 1220 Sq.Mts. to the fifth respondent for the development of the Temple within a stipulated period as fixed by this Court, by considering the petitioner's representation, dated 28.03.2016.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.K.V.Dhanapalan,
Additional Government Pleader
for R-1 & 5

Mr.V.Jayaprakash Narayanan,
Special Government Pleader
for RR-2 to 4

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 2 to 4 to transfer and hand over the land in S.Nos.1151/7 and 1151/8 of Perundurai Village, totally measuring an extent of 1220 Sq.Mts. to the fifth respondent for the development of the Temple within a stipulated period as fixed by this Court, by considering the petitioner's representation, dated 28.03.2016.

2. The affidavit filed in support of the Writ Petition is sworn to by the Honorary President of the petitioner-Perundurai Kadaikulam and Medhikulam Narpani Mandram, stating that Arulmighu Sellandiamman Temple situated at Perundurai, Erode, is a de-notified Temple belonging to Kadaikulam and Medhikulam sect of Kongu Vellalar Gounder Community. The petitioner-Mandram is registered under the Tamil Nadu Societies Registration Act. The Temple is formed several decades back and people in the locality and neighbouring areas are regularly worshipping in the Temple. The Temple was constructed by forming four steps, viz., Vasantha Mandapam, Maha Mandapam, Artha Mandapam and Karba Graham. During festival seasons, several devotees offer their worship in the Temple.

3. It is further stated by the petitioner that for the purpose of development of the Temple, there was a request to the respondents to provide additional land in the nearby area by way of transfer from natham poramboke/school ground. The respondents enquired about the land and extent of land has also been decided by them. Accordingly, plan was drawn by the Temple authorities. The fourth respondent recommended to the third respondent, by proceedings dated 12.10.2012, stating that it is a fit case that the Temple needs more space and therefore, the third respondent has sub-divided the property and decided to allot Survey Nos.1151/7 and 1151/8 to the Temple, totally measuring an extent of 1220 Sq.Mtrs. The Town Panchayat also accepted the proposal and the parent-teachers Association also

accepted the same. Even though allotment of excess was made in the year 2012 itself, so far no proper steps have been taken to hand over or transfer the land to the Temple for development. Hence, the petitioner sent a representation, dated 28.03.2016 to the respondents 2 to 4. Since no action has been taken on the said representation, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondents 2 to 4 to consider the said representation of the petitioner, dated 28.03.2016, conduct enquiry, afford an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 2 to 4 to decide the same.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai-600 034.

2. The District Collector,
Erode.

3. The District Revenue Officer,
Erode.

4. The Tahsildar,
Perunduari,
Erode District.

5. The Executive Officer,
Arulmigu Sellandiamman Thirukovil,
Perundurai-638 052.
Erode District.

+lcc to Mr.R.Ezhilarasan, Advocate, S.R.No.22908

+lcc to the Government Pleader, S.R.No.23162

+lcc to the Special Government Pleader(HR & CE), S.R.No.23147

W.P.No.13533 of 2016

VD(CO)
CA(05/05/2016)



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