

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.2821 of 2014

S.B.Gandhi ... Petitioner

-vs-

1.The Commissioner,
H R & C E Board,
Nungambakkam High Road,
Chennai - 600 034.

2.The Assistant Commissioner,
H R & C E Board,
Thiruvallur,
Thiruvallur District.

3.N.Bakthavatchalam ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to take necessary action on the notice sent by the petitioner on 9.9.2013 to retrieve the 64 cents of land in s.No.537/7 Ponneri Village, Ponneri Taluk, Thiruvallur District belonging to Arulmighu Agastheeswarar Temple, Kummamangalam, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.S.Udhaya Kumar
For Respondents : Mr.Rita Chandrasekaran
Spl. G.P. (HR & CE) for R1&R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner alleges that 64 cents of the land in S.No.537/7, Ponneri Village, Ponneri Taluk, Thiruvallur District belonging to Arulmighu Agastheeswarar Temple, Kummamangalam, Ponneri Taluk has been wasted away. It is so alleged that third parties sought rights in the land and the temple, despite impleadment, sought to stay away from the proceedings, resulting in decree ex parte. However, the learned counsel for the petitioner points out that this decree is money decree. In so far as the title is concerned, it has been left open to the temple to claim title.

2. We, thus, find this is one more case where valuable land of the temple has either not been protected, or if it is a private land, there is no finality to the issue. Thus, it is necessary that the matter be taken up by the second respondent with the revenue authorities to verify the position of the title, for which the revenue authorities will co-operate. If the land is found as per the records belonging to the temple, the temple to take steps to protect its land.

3. The first part of the exercise be completed within two months of the receipt of this order and if occasion arises for the second part of the exercise, dependant upon the result of the first part of the exercise, action be taken under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 within two months thereafter.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
H R & C E Board,
Nungambakkam High Road,
Chennai - 600 034.

2.The Assistant Commissioner,
H R & C E Board,
Thiruvallur,
Thiruvallur District.

+1cc to Mr.S. Udhayakumar, Advocate, S.R.No.38069

+1cc to the Government Pleader, S.R.No.38172

NR(CO)
EU(29/07/2016)

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