

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.20589 of 2016

V.Narasimhan
Hereditary Trustee of the
Arulmighu Amachar - Potharaja Temple
S/o (late) Venkatarama Naidu
114, Potharaja Koil Street
Thiruvannamalai Town and District ... Petitioner

-vs-

1. The District Collector
Thiruvannamalai District
2. The District Revenue Officer
Thiruvannamalai District
3. The Thasildar Thiruvannamalai Taluk & District
4. The Revenue Divisional officer
Thiruvannamalai Taluk & District
5. The Block Development Officer
Thiruvannamalai Taluk & District
6. Assistant Director of Panchayat
Office of the Collectorate
Thiruvannamalai District
7. The Commissioner
Thiruvannamalai Municipality
Thiruvannamalai
8. Sathya Moorthy
S/o Sampath
9. The Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Nungambakkam
Chennai 600 034

10.The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Villupuram

11.The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Thiruvannamalai Town and Taluk .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 7 to consider the petitioner's representation dated 3.5.2016 and consequently directing the seventh respondent to initiate necessary action to stop the further construction work to be done by the eighth respondent in the part of the temple property comprised in S.No.346, Patta No.1446, Block No.10, Ward No.4 situated at Thiruvannamalai Town and District.

For Petitioner :: Mr.B.Ramakrishnan

For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R1 to R4 & R6
Mr.M.Dig Vijayapandian for R5
Mr.A.S.Thambuswamy for R7
Mr.M.Maharaja
Special Government Pleader for
R9 to R11

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioner seeks for issuance of a writ of mandamus, directing the respondents 1 to 7 to consider the petitioner's representation dated 3.5.2016 and consequently directing the seventh respondent to initiate necessary action to stop the further construction work to be done by the eighth respondent in the part of the temple property comprised in S.No.346, Patta No.1446, Block No.10, Ward No.4 situated at Thiruvannamalai Town and District.

2. The petitioner claims to be hereditary trustee of the excepted temple known as Ammachar-Potharaja temple situated at Tiruvannamalai District and also looking after its day to day affairs in the capacity of one of the successor-in-male heir of the erstwhile hereditary trustee of the said temple. It appears that the Inam land granted to the temple poojaries by the then British Government was sought to be sold on the basis of an order obtained from the learned Principal District Judge,

Tiruvannamalai in Trust O.P.No.1 of 2003 on 30.7.2003 and when the said order was challenged by the sister and mother of the petitioner as well by the respondents 9 to 11 before this Court in C.R.P.(NPD) Nos.3067 of 2007 and 1840 of 2008, this Court, by order dated 15.12.2011, while setting aside the order of sale, remanded the matter back to the learned Principal District Judge, Tiruvannamalai to dispose of the O.P.No.1 of 2003 after impleading all the rival parties with a further direction that till such time the main petition was decided on merits, there shall be no further alienation, construction or sale or otherwise. The grievance of the petitioner is that the eighth respondent is putting up construction in the property in question without any authority. In this regard, he has also submitted a representation to the respondents 1 to 6 seeking to initiate action to stop the construction work being carried out by the eighth respondent in the subject property and since it has evoked no response, he is before this Court.

3. Having heard the learned counsel for the parties, it is for the petitioner to approach the ninth respondent to get the things clarified and if there is any illegal construction put up by the eighth respondent as alleged by the petitioner, it is for the ninth respondent to take appropriate action in accordance with law. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.17696 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Thiruvannamalai District
2. The District Revenue Officer
Thiruvannamalai District
3. The Thasildar
Thiruvannamalai Taluk & District
4. The Revenue Divisional officer
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5. The Block Development Officer
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10. The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Thiruvannamalai Town and Taluk

1 cc to M/s.A.S.Thambuswamy, Advocate, sr.45635
1 cc to M/s.Digvijayapandian, Advocate, sr.44971
1 cc to The Government Pleader, sr.45059

W.P.No.20589 of 2016

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kra 31.08.2016

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