

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM :

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.37139 of 2016
and W.M.P.No.31905 of 2016

C.Sundaram Naicker ... Petitioner

-vs-

1.The Principal Secretary,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Executive Officer,
Arulmigu Dhandeeswarar Thirukovil,
Velacherry, Chennai 600 042.

3.The Special Thasildhar,
Nathan Land Taxation Scheme,
Mambalam-Guindy Taluk, New No.1,
Old No.2, Bharathidasan Salai,
K.K.Nagar, Chennai 600 078.

4.The Tahsildar,
Velacherry Taluk,
Tharamani, Chennai 600 113.

5.Ravi
6.Rani
7.D.Prabhu @ Prabhakaran
8.D.Karthi
9.D.Bhavani

10.The District Collector,
Chennai.

(R-10 suo motu impleaded as per order
of Court dt.24.10.2016 in WP)

.. Respondents

WEB COPY

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to take necessary steps and to retrieve the ''Temple Land'' from encroachment and to cancel all the conveyance deeds and Form-4 issued in respect of the ''Temple Land'' within a specified period fixed by this Court.

For Petitioner : Mr.Veangai.I.Prakash Raj

For Respondents : Mr.M.Maharaja,
Spl.G.P. For R-2
: Mr.R.Vijayakumar,
Addl.G.P. for RR 1, 3, 4 & 10

O R D E R

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

The petitioner claims that he is the tenant in respect of some land belonging to Arulmigu Dhandeeswarar Thirukovil and that Form-4 was sought to be issued to the petitioner and certain other persons as patta holders, when it is the petitioner who brought it to the notice of the concerned authorities that the same could not be done as the land belongs to the temple. The petitioner also complained to the Executive Officer of the Temple / second respondent. Not only that, it is alleged that the seventh respondent started some unauthorised construction based on Form-4, for which the petitioner has been issued a notice by the second respondent.

2.Learned counsel appearing for the second respondent states that the said respondent filed a civil suit being O.S.No.4788 of 2016 before the VII Assistant Judge, City Civil Court, Chennai, against the seventh respondent and interim injunction was granted in I.A.No.12284 of 2016. Learned counsel states that the second respondent has no grievance against the petitioner.

3.We are, however, of the view that it is not possible to appreciate how Form-4 could have been issued whether to the petitioner or to any private parties including private respondents. This is stated to have been issued by the Special Tahsildar / third respondent.

4.We call upon the District Collector, Chennai, to personally look into this issue and take remedial action in accordance with law within a maximum period of three (3) months from the date of receipt of the order. The District Collector

is impleaded as the 10th respondent and memo of parties be amended accordingly.

5.Writ petition stands disposed of in the aforesaid terms. No costs. Consequently, W.M.P.No.31905 of 2016 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Principal Secretary,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
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Nungambakkam, Chennai-34.
- 2.The Executive Officer,
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- 4.The Tahsildar,
Velacherry Taluk, Tharamani, Chennai 600 113.
- 5.The District Collector, Chennai.

+1cc to Govt., Pleader, Sr.No.60543

W.P.No.37139 of 2016

PVS (CO)
md(3/11/2016)