

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.5292 of 2017

P.Sigamani

.. Petitioner

Vs.

1 The District Collector
Salem District, Salem.

2 The Tahsildhar
Salem Taluk and District
Salem.

3 The Commisioner
Hindu Religious & Charitable Endowment
Nungambakkam, Chennai - 600 034.

4 The Deputy commissioner
Hindu Religious & Charitable Endowment
Coimbatore.

5 The Executive Officer
Senkunthar Kumaraguru Subramania
Swamy Koil Devasthanam
Ammappettai, Salem.

6 The Sub Registrar
Salem (East) S.R.O., Salem.

7 M.K.Sankar

8 M.K.Babu

9 A.Murugan

10 A.S.Gnanam

11 R.Sethumadhavan

12 D.Subramanian

13 S.Umapathy

14 A.Seshajalam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents, particularly respondents 1 to 5, to take necessary action to recover the following lands belonging to Lord Kumaragu Subramania Swamy Temple from respondents 9 to 14 situated at Ammapettai Town, Salem Taluk and District viz., (i) bearing Door No.254/1401 (Old No.253/1401 & 254/1401), as per present Re-survey, Ward -N, Block No.29, Present Door No.335, T.S.No.134 measuring both sides 7.10 x 26.10 ft -219 Sq.ft. (ii) bearing Door No.253 & 254/1401, Old D.No.254/1401, as per present Re-survey, D.No.334, Ward -N, Block No.29, T.S.No.134, measuring both sides 11.6 x 12.07.10 ft. & - 26.10 x 26.10 - 315 Sq.ft. (iii) bearing Door No.113B/1401, (Old No.254/1401) present D.No.113B, Sengunthar Metu Street, J-Division as per Re-Survey Ward-N, Block No.29, D.No.335, T.S.No.134 (Part), belonged to the Temple Devasthanam, measuring 12.3 x 12.3, 31 x 31.6 - 702 Sq.ft., and (iv) bearing Door No.113 (Old D.No.113/1401), Sengunthar Mettu Street, as per Re-Survey D.No.113, J-Division, Ward-AJ, Block No.29, D.No.1/10, T.S.No.134/2 - measuring 35¼ x 15¾, 51 x 21 - 1088½ sq.ft. - a total extent of 2294.5 Sq.Ft. on the basis of my representation dated 20.11.2016.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader
for respondents 1, 2 and 6

Mr.M.Maharaja
Spl. Government Pleader
for respondents 3 to 5

Mr.K.Ramesh
for 9th respondent

Mr.K.Somasundaram
for 11th respondent

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ORDER

(Order of the Court was made by the Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents, particularly respondents 1 to 5, to take necessary action to recover the following lands belonging to Lord Kumaragu Subramania Swamy Temple from respondents 9 to 14 situated at

Ammapettai Town, Salem Taluk and District viz., (i) bearing Door No.254/1401 (Old No.253/1401 & 254/1401), as per present Re-survey, Ward-N, Block No.29, Present Door No.335, T.S.No.134, measuring both sides 7.10 x 26.10 ft-219 Sq.ft. (ii) bearing Door No.253 & 254/1401, Old D.No.254/1401, as per present Re-survey, D.No.334, Ward -N, Block No.29, T.S.No.134, measuring both sides 11.6 x 12.07.10 ft. & - 26.10 x 26.10 - 315 Sq.ft. (iii) bearing Door No.113B/1401, (Old No.254/1401) present D.No.113B, Sengunthar Metu Street, J-Division as per Re-Survey Ward-N, Block No.29, D.No.335, T.S.No.134 (Part), belonged to the Temple Devasthanam, measuring 12.3 x 12.3, 31 x 31.6 - 702 Sq.ft., and (iv) bearing Door No.113 (Old D.No.113/1401), Sengunthar Mettu Street, as per Re-Survey D.No.113, J-Division, Ward-AJ, Block No.29, D.No.1/10, T.S.No.134/2 - measuring 35¼ x 15¼, 51 x 21 - 1088½ sq.ft. - a total extent of 2294.5 Sq.Ft. on the basis of my representation dated 20.11.2016.

2. The grievance of the petitioner is that the lands belonging to temple have been encroached upon by respondents 9 to 14 and, therefore, immediate steps should be taken to remove the encroachments and recover the lands.

3. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1, 2 and 6 and Mr.M.Maharaja, learned Special Government Pleader appearing for respondents 3 to 5 have submitted that they will conduct a survey of the lands and thereafter take effective steps to remove the encroachments and restore the temple lands.

4. In view of the above said submission, it is for the respondent authorities to do the needful to survey the temple lands and remove the encroachments, of course after issuing notice to the encroachers and following the due process of law.

The writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrarsasi

To:

- 1 The District Collector
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- 2 The Tahsildhar
Salem Taluk and District
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- 3 The Commisioner
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Ammapettai, Salem.
- 6 The Sub Registrar
Salem (East) S.R.O., Salem.

+1cc to Mr.R.Thanjan, Advocate SR.No.18367
+1cc to Mr.K.Ramesh, Advocate SR.No.18239
+1cc to Mr.K.Samsaundaram, Advocate SR.No.18377
+2cc to Government Pleader SR.No.18645,18726

KS (CO)
GN(07/04/2017)

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सत्यमेव जयते

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