

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15170 of 2013

and

M.P.Nos.1 & 2 of 2013

- 1.Balasubramani
- 2.Vellingiri
- 3.Dhandapani
- 4.Gopalakrishnan
- 5.Marimuthu
- 6.Chokkalingam
- 7.M.Subramani

... Petitioners

Vs.

- 1.The District Collector,
Tiruppur District.
- 2.District Revenue Officer,
Tiruppur District.
- 3.The Revenue Divisional Officer,
Tiruppur District.
- 4.The Tahsildar,
Tiruppur District.
- 5.The Superintendent of Police,
Tiruppur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the proceedings of the second respondents in Na.Ka.No.1656/2013/OO 1, dated 05.02.2013, quash the same.

For Petitioners : Mr.K.Nagarajan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

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ORDER

The relief sought for in this writ petition is to call for the records relating to the proceedings of the second respondents in Na.Ka.No.1656/2013/OO 1, dated 05.02.2013, quash the same.

2.The order impugned in this writ petition is enclosed in page No.10 of the typed set of papers filed along with this writ petition. On a perusal of the impugned order the District Revenue Officer, Tiruppur had written a letter to the Revenue Divisional Officer, Tiruppur stating that the land belongs to the Hindu Religious and Charitable Endowment Department, more specifically belongs to Arulmigu Mariamman Sellandiamman Temple has been allotted to the Police Department for the purpose of constructing a Police Station and Police Residential Quarters (AR Quarters).

3.The learned Additional Government Pleader appearing on behalf of the respondents states that the vacant land belonging to a particular temple has been allotted to the Police Department for the purpose of constructing a Police Station and the Police Residential Quarters. At the outset, the vacant land is proposed to be utilised for public purposes. In this regard, the Hindu Religious and Charitable Endowment Department also converted the land by way of transferring the above said land in favour of the Police Department and in this regard, the Government issued G.O.Ms.No.236, Tourism, Hindu Religious and Charitable Endowment Department dated 06.09.2016, transferring the name and the Government accorded administrative and financial sanction vide G.O.Ms.No.72, Home (Police X) Department dated 19.1.2017. This apart, the Government issued G.O.Ms.No.236 dated 06.09.2016, prescribing the modalities to be adopted for the purpose of converting the land for public purposes.

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4.The Additional Government Pleader further brought to the notice of this Court that the said land belongs to the temple was already sold to the Police Department for the public purposes under Section 34 of the Hindu Religious and Charitable Endowment Act. Thus, the transfer of the property from temple to Police Department

was done in accordance with the provisions of the Act and further, the land was transferred from temple to Police Department for Public purposes, more specifically for the purpose of construction of Police Station and for construction of Police Residential Quarters. This being the purpose of the transfer of land from temple to Police Department, the writ petitioners cannot have any right over the transaction between the Hindu Religious and Charitable Endowment Department and the Police Department.

5. The grievances of the writ petitioners are that the writ petitioners belong to Pandaram Community in Andipalayam Village and they are non-hereditary Trustees and they are continuing as temple Poojaries. The contention of the petitioners are that the Government had given Enaam land for the writ petitioners. Further, it is stated that the Ryotwari patta was issued in favour of the writ petitioners and their names were included in the revenue records and also in Fasli. The writ petitioners made a representation to the first respondent for including their names in the Revenue records and they are paying the kist in respect of the land. The repeated representations submitted by the writ petitioners went in vain, finally the writ petitioners have challenged the internal communication issued by the District Revenue Officer to the Revenue Divisional Officer in proceedings dated 05.02.2013.

6.The grievances of the writ petitioners are not legally substantiated in the writ petition. Further, the writ petitioners are not the owners of the land in question and admittedly, the land belongs to the temple, which is being administered by the Hindu Religious and Charitable Endowment Department. Even, if the petitioners claim any title over the property, it is left open to them to adjudicate the matter before the appropriate Civil Court and this Court in this writ petition cannot decide the title or otherwise in respect of the claim of the writ petitioners.

7.On a perusal of the Government Orders, this Court is of the opinion that the land in question belongs to the temple managed by the Hindu Religious and Charitable Endowment Department and the Hindu Religious and Charitable Endowment Department invoking the powers under Section 34 of the Act, converted the land in favour of the Police Department and the Government also issued orders in this regard granting administrative sanction and submitted proposals for the construction of the Police Station and Police Residential Quarters. The entire transaction was carried out by way of sale under Section 34 of the Act.

8.This being the factum of the case, this Court is of the opinion that the writ petitioners have not established any legal right, so as to consider the relief as such sought for in this writ petition, when the land was converted by the Hindu Religious and Charitable Endowment Department in favour of the Police Department for the public purposes. The same alone is prevail over and the private interest cannot be considered, when the respondents have established that they have already accorded administrative sanction for the purpose of construction of the Police station and Police Residential Quarters. In this view of the matter no further adjudication needs to be entertained in respect of the grounds raised in this writ petition.

9.Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

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S.M.SUBRAMANIAM, J.,

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