

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5358 of 2017
and W.M.P.No.5685 of 2017

International Sri Vaishna
Dharma Samrakshana Society (Regd) 59/06
Rep.by its President, Swami Govindaramanujadasa
No.33 Mahalingapuram Main Road, Chennai-35. ... Petitioner

Vs.

- 1 The Secretary to Government
Hindu Religious and Charitable Endowment Department
Secretariat, Chennai-9.
- 2 The Commissioner of
Hindu Religious and Charitable Endowment
119 Uthamar Gandhi Salai
Chennai-34
- 3 The District Revenue Officer (HR&CE)
Hindu Religious and Charitable Endowment
Coimbatore.
- 4 The Assistant Commissioner (HR&CE)
Hindu Religious and Charitable Endowment
Coimbatore.
- 5 The District Collector
Coimbatore District.
- 6 The Commissioner of Police
Coimbatore Town.
- 7 The Manager
Sri Kari Varadharaja Perumal Thirukkoil
Trustee,
PSG Charitable Trust, Peelamedu,
Coimbatore District.

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 8th respondent Tahsildhar to restore the possession of the land and grant patta to the lands in S.F. No.362/1 Sowripalayam Village Coimbatore (South) District and Taluk in the nature of Sri Kari Varadharaja Perumal Kovil Peelamedu Coimbatore in terms of the Registered Gift Deed dated 24.2.1922 Registered Document No.3988/ 1922 and as per the proceedings of the D.R.O HR & CE Department Coimbatore in this proceedings Na.Ka.No.259 dated 14.5.2015 dated and also in Na.Ka.No.259/ 2014 dated 6.2.2017.

For Petitioner : Mr.Swami Govindaramanuja
 Petitioner in person

For Respondents : Mr.M.Maharaja
 Spl. Govt. Pleader (HR & CE)
 for respondent Nos.1 to 4

 Mr.R.Viajayakumar
 Addl. Government Pleader
 for respondent Nos.5, 6 & 8

ORDER

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

Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice for respondents 1 to 4. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 5, 6 & 8.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the 8th respondent/Tahsildhar to restore the possession of the land and grant patta to the lands in S.F. No.362/1, Sowripalayam Village, Coimbatore (South) District and Taluk in the nature of Sri Kari Varadharaja Perumal Kovil Peelamedu, Coimbatore in terms of the Registered Gift Deed dated 24.2.1922 Registered Document No.3988/1922 and as per the proceedings of the D.R.O., HR & CE Department, Coimbatore in this proceedings Na.Ka.No.259, dated 14.5.2015 and also in Na.Ka.No.259/ 2014, dated 6.2.2017.

4. It is the case of the petitioner that one Chinnanna Naidu donated land measuring 14 Acres 31 Cents to Sri Kari Varadaraja Perumal Thirukoil. However, at present the said land is alleged to be in the possession and enjoyment of the seventh respondent

and subsequent purchasers. It is alleged that the P.S.G.Charitable Trust has illegally changed the temple land in the revenue records and sold the same to third parties. It is pleaded that despite specific direction by the District Revenue Officer to the Tahsildar to initiate proceedings to transfer the patta in favour of the temple, till date no action has been taken by the eight respondent/Tahsildar. Hence, the present petition.

5. Considering the facts and circumstances of the case, we direct the eight respondent/Tahsildar to take steps in furtherance of the proceedings of the District Revenue Officer dated 14.5.2015 and 6.2.2017, hold an enquiry into the allegations levelled against the seventh respondent/trust and ensure that the temple land is protected and restored to its original position. The said exercise shall be concluded within three months from the date of receipt of a copy of this order. We make it clear that the eight respondent shall afford an opportunity of hearing to the petitioner and the seventh respondent before passing orders as aforesaid.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To:

- 1 The Secretary to Government
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- 5 The District Collector
Coimbatore District.
- 6 The Commissioner of Police
Coimbatore Town.
- 7 The Tahsildar
Peelamedu Coimbatore(South)

+1cc to Mr.Swami Govinda Ramanuja,Advocate sr.14387

+1cc to Government Pleader sr.14714

+1cc to Special Government Pleader(HR&CO) sr.14696

W.P.No.5358 of 2017

kgk(co)
ss(13/3/2017)



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