

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.23503 of 2017

S.Palaniraja

... Petitioner

Vs

- 1.The Collector  
Tiruvarur District.
- 2.The Commissioner  
Hindu Religious & Charitable Endowments  
Department, Nungambakkam  
Chennai-34.
- 3.The Joint Commissioner  
Hindu Religious & Charitable Endowments  
Department,  
Tanjore.
- 4.The Assistant Commissioner  
Hindu Religious & Charitable Endowments  
Department,  
Thiruvarur.
- 5.The Inspector of Police  
Nanillam Police Station  
Tiruvarur District.
- 6.The Executive Officer  
Arulmigu Sowriraja Perumal Temple  
Thirukannapuram, Nagapattinam District.
- 7.The Village Administration Officer  
Salippery Village, Nanilam Taluk  
Tiruvarur District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the petitioners representation (encroachment/ deforestation of Thirukannapuram, Sowriraja Perumal Temples land', Nannilam Taluk, Thiruvarur District) dated on 15.6.2017.

For Petitioner : Mr.D.Padmanabhan

For Respondents : Mrs.Vasudha Thiyagarajan  
Additional Government Pleader  
for respondents 1, 5 and 7

Mr.M.Maharaja  
Special Government Pleader  
for respondents 2 to 4 and 6

ORDER

(Order of the Court was made by M.Sundar,J.)

Subject matter of this writ petition is land belonging to Arulmigu Sowriraja Perumal Temple, Thirukkannapuram, Nagapattinam District (hereinafter referred to as "the said temple").

2. The case of the writ petitioner is that 10 acres of land in all comprised in two survey numbers belongs to said temple. It is the further case of the writ petitioner that the said 10 acres of land is vacant. To be noted, we are informed that this 10 acres is excluding the land on which the temple stands. With regard to this 10 acres of vacant land, the writ petitioner submits that 3.50 acres is classified as temple poramboke and the remaining 6.50 acres belongs to the said temple. As far as 3.50 acres which is classified as temple poramboke is concerned, the same is comprised in Survey No.157/22, Salippari Village, Nanilam Taluk, Tiruvarur District. It is not in dispute that this 3.50 Acres have now been cordoned off, fenced and that the same is secure.

3. The learned counsel for the writ petitioner, the learned Additional Government Pleader appearing for respondents 1, 5 and 7, and Mr.M.Maharaja, learned Special Government Pleader appearing for respondents 2 to 4 and 6, do not have any disagreement on this aspect of the matter.

4. The issue is only with regard to the remaining 6.50 acres, which, according to the learned Additional Government Pleader (representing respondents 1, 5 and 7) belongs to the said temple. To be noted, this 6.50 acres is comprised in Survey No.157/21 in Salippari Village, Nanilam Taluk, Tiruvarur District.

5. The learned Additional Government Pleader representing, inter alia, the District Collector, who is the first respondent before us, asserts that this 6.50 acres belongs to the said temple. However, the learned Special Government Pleader (HR &

CE), representing respondents 2 to 4 and 6 submits that this was a specific endowment attached to the said temple and that there are some issues with regard to patta that have been raised by private individuals.

6. Even if it is a specific endowment, the same is covered by Section 6(19) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), (hereinafter referred to as "the said Act") and it is for the officials who are in administration and management of the said temple to safeguard the said land.

7. The learned Special Government Pleader (HR &CE) appearing for respondents 2 to 4 and 6, assures this Court that adequate steps will be taken under the said Act and that they will secure and safeguard this 6.50 acres also in a manner known to law. The learned Special Government Pleader states that the process of securing and safeguarding the above said 6.50 acres shall be commenced forthwith and concluded within three months. This submission is recorded.

The writ petition is disposed of in the above terms. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Collector  
Tiruvarur District.
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5.The Inspector of Police  
Nanillam Police Station  
Tiruvarur District.

6.The Executive Officer  
Arulmigu Sowriraja Perumal Temple  
Thirukannapuram, Nagapattinam District.

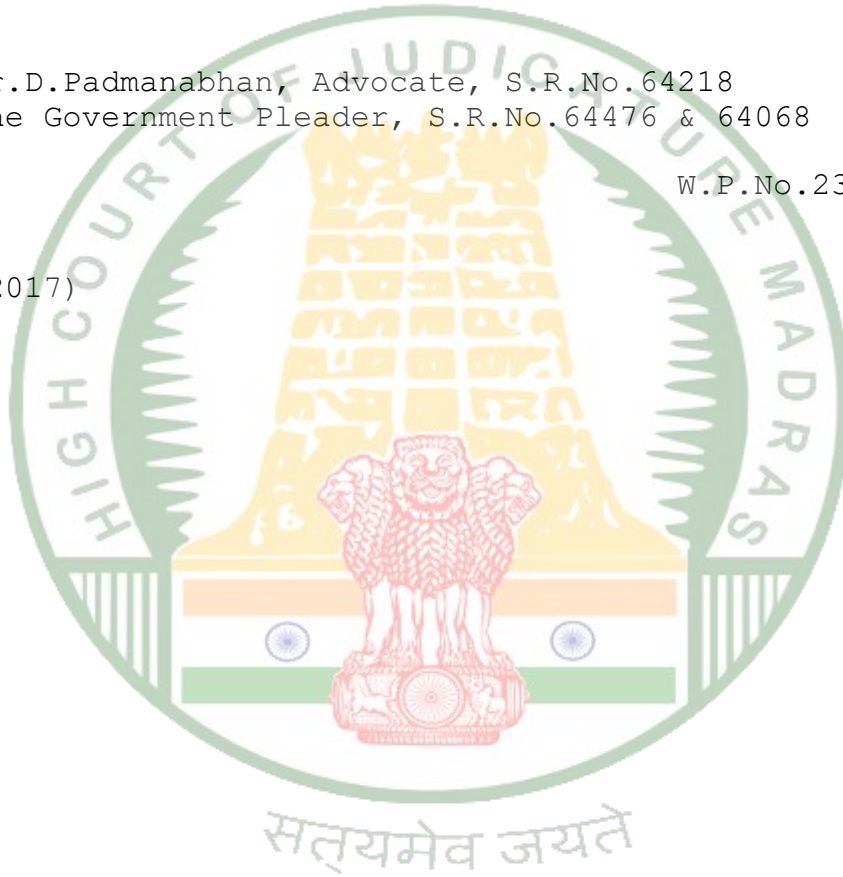
7.The Village Administration Officer  
Salippery Village, Nanilam Taluk  
Tiruvarur District.

+1cc to Mr.D.Padmanabhan, Advocate, S.R.No.64218

+1cc to the Government Pleader, S.R.No.64476 & 64068

W.P.No.23503 of 2017

PVS (CO)  
CA(20/09/2017)



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