

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29050 of 2018

and

W.M.P.No.33971 of 2018

Arulmigu Kaliyamman Thirukoil,
Thiruvizha Mattrum Thirupani Kuzhu Trust,
Represented by its President A.K.Prakasam,
Age 62 years, Residing at Door No.9A,
Kasthuri Bai Street, Pichanoor,
Gudiyatham Taluk,
Vellore District.

... Petitioner/Petitioner

Versus

1. The Joint Commissioner,
Tamilnadu Hindu Religious and Charitable
Endowment Department,
Sathuvacheri,
Vellore District.
2. The Executive Officer,
Arulmigu Kaliyamman Thirukoil,
Pichanoor Village,
Gudiyatham Taluk,
Vellore District.
3. The Revenue Divisional Officer,
Vellore District.
4. The Tahsildar,
Gudiyatham Taluk,
Vellore District.
5. R. Santha,
6. G.R. Rekha,
7. C. Sathiyavathy,
8. P.V. Subramanian,
9. M. Dhinakaran.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 herein to take appropriate action to protect the property at S.Nos.205 and 297/2, Pichanoor Village belong to the temple under the provisions of Tamil Nadu Hindu Religious and Charitable

Endowment Act and consequently directing the respondents 3 and 4 to restore the patta properties at S.Nos.205 and 297/2, Pichanoor in the name of temple.

For Petitioner : Mr.C.Jagadish

For RR1 & 2 : Mr.M.Maharaja
Special Government Pleader

For RR3 & 4 : Mr.E.Balamurugan
Special Government Pleader

O R D E R

The petitioner claims to be the former trustee of Arulmigu Kaliyamman Thirukoil, Pichanoor Village, which is an ancient temple coming under the control of the Hindu Religious and Charitable Endowments Department, has filed this writ petition seeking for issuance of writ of mandamus to direct the respondents 1 and 2 to take appropriate action to protect the properties at S.Nos.205 and 297/2, Pichanoor Village belong to the temple under the provisions of Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (hereinafter referred to as "the HR & CE Act") and consequently, to direct the respondents 3 and 4 to restore the patta to the said properties in the name of the temple.

2. It is stated that the temple owns valuable properties in S.Nos.204, 205 and 297/2 in Pichanoor Village and these properties are entered in the property register of the temple. It is also stated that the Patta pass book has also been issued in the name of the temple in Patta No.234044 on 18.10.1995. The said lands are in possession of cultivating tenants let in by the temple.

3. It is now alleged that the respondents 8 and 9 claimed to have purchased the said properties from respondents 5 to 7 and the same has been registered on 08.10.2010.

4. It is the contention of the petitioner that when the lands belong to the temple, the respondents 5 to 7 have no salable rights to transfer the same to the respondents 8 and 9.

5. On the complaint, the Executive Officer of the temple also has taken up the issue. The Revenue Divisional Officer-3rd respondent has sent a letter in Na.Ka.No.P1/5201/2016 dated 01.09.2016 to the Executive Officer of Arulmigu Kaliyamman Thirukoil, wherein it is stated that the Tahsildar, Gudiyatham

Taluk was directed to conduct an enquiry and send a report as to whether the land in S.No.297/2 to an extent of 0.47.5 ares belongs to the Arulmigu Kaliyamman Thirukoil or not. Though the said letter was addressed to the Tahsildar in the year 2016, no steps have been taken so far. As creation of any third party interest would be detrimental to the interest of the temple, the petitioner has sought for a direction to the respondents 1 and 2 to take appropriate direction with respect to the properties situated in S.Nos.205 and 297/2 in Pichanoor Village, which belong to the temple under the provisions of the HR & CE Act.

6. The learned counsel for the second respondent, who is the Executive Officer has also undertakes to follow up the issue.

7. In the light of the above facts, the fourth respondent is directed to conduct an enquiry with respect to S.Nos.205 and 297/2 in Pichanoor Village and forward a report to the third respondent within a period of four weeks from the date of receipt of a copy of this order. The third respondent is also directed to pass appropriate orders based on the report of the fourth respondent within a period of two weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi/abr

To

1. The Joint Commissioner,
Tamilnadu Hindu Religious and Charitable
Endowment Department,
Sathuvacheri,
Vellore District.
2. The Executive Officer,
Arulmigu Kaliyamman Thirukoil,
Pichanoor Village,
Gudiyatham Taluk,
Vellore District.

3. The Revenue Divisional Officer,
Vellore District.

4. The Tahsildar,
Gudiyatham Taluk,
Vellore District.

+1 cc to The Special Government Pleader (HR & CE), Sr.No.77089
+1 cc to The Government Pleader, Sr.No.76727
+1 cc to Mr.C.Jagadish, Advocate Sr.No.76567

W.P.No.29050 of 2018
and
W.M.P.No.33971 of 2018

SR(CO)
CSL/27.11.2018



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