

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.1683 of 2020

A.Radhakrishnan

...

Petitioner

versus

- 1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
- 2.The Secretary to Government,
Tourism, Culture & Endowments Department,
Secretariat,
Chennai - 600 009.
- 3.The Director Survey and Settlement,
Chepauk, Chennai - 600 005.
- 4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai - 600 034.
- 5.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 6.The District Collector,
Salem.
- 7.The Deputy Inspector General of Police,
Salem - 663 007.
- 8.The Deputy Inspector General of Registrations,
Salem - 636 001.

9.The Assistant Director of Survey,
Salem - 636 001.

10.The Tahsildar,
Attur Taluk, Salem District.

11.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem - 633 001.

12.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem - 633 001.

13.The Executive Officer,
Arulmigu Chidambareswarar Temple,
Deviyakurichi,
Attur Taluk,
Salem District. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd and 9th respondents to conduct field survey in respect of the 13th respondent Temple properties on the basis of 01.09.2015 fees chalan and petitioner representation dated 18.12.2019 and consequentially issue direction to the 4th respondent department to secure and safeguard the properties of 13th respondent Temple.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondent Nos.1 to 3, 5 to 10 : Mr.V.Shanmuga Sundar
Special Government Pleader
For Respondent Nos.4, 11 to 13 : Mr.K.Karthikeyan
Special Government Pleader
(H.R.&C.E.)

सतयमेव जयते
ORDER

[Order of this Court was made by R.SUBBIAH, J.]

The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus to direct the respondents 3 and 9 to conduct field survey in respect of 13th respondent Temple properties, on the basis of fees chalan, dated 01.09.2015 and the representation of the petitioner, dated 18.12.2019 and consequently issue direction to the fourth respondent, Department to secure and safeguard the properties of 13th respondent Temple.

2. The case of the petitioner is that on 19.08.2015, the petitioner made a representation to the sixth respondent to ascertain about the properties belonging to the Temples, situated in Salem District and after identification of the same, requested to initiate appropriate proceedings to safeguard the properties. But the respondents had not taken any initiative steps to those properties belonging to the Temples. In fact, 13th respondent/Temple had also made a request to the Revenue Department to survey the property belonging to the Temple for the purpose of de-marking the same and thereby, to remove any illegal occupation in the Temple property. In this regard, 13th respondent/Temple had also paid appropriate fee for conducting survey to various survey numbers belonging to the Temple and even thereafter, the first respondent/Department has not come forward to do the survey and identify the properties belonging to 13th respondent/Temple. Once again, the petitioner made a detailed representation dated 18.12.2019 to the third respondent/Department and requested to survey the properties of the 13th respondent/Temple. In spite of repeated representations, the third respondent has not taken any effective steps to conduct field survey with regard to 13th respondent Temple properties and hence, the petitioner is before this Court with the present Writ Petition for the relief stated supra.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4. The learned Special Government Pleaders appearing for the concerned respondents have got no serious objection for directing the third respondent to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the third respondent to consider the representation of the petitioner, dated 18.12.2019 and conduct field survey with regard to 13th respondent/Temple properties. If the respondents 4 to 9 have made any illegal occupation, during the time of survey, the respondents 11 and 12 are directed to initiate appropriate action to remove the same, in accordance with law. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

6. With the above observations and direction, the Writ Petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

To

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 - 12.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem - 633 001.
 - 13.The Executive Officer, Arulmigu Chidambareswarar Temple,
Deviyakurichi, Attur Taluk, Salem District.
- +1 cc to M/s.R.Marudhachalamurthy, Advocate Sr.No. 13768
+1 cc to The Government Pleader Sr.No. 13771

AKM/09.03.2020/4P-16C /

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