

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.35151/2019

B.Santhanam ... Petitioner

Versus

1.The District Collector
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer
Tambaram, Chennai 600 045.

3.The Tahsildar
Tambaram Taluk, Tambaram
Chennai - 45.

4.The Revenue Inspector
Tambaram, Chennai-45.

5.The Executive Officer
Agaramthan Village Panchayat
Chennai 600126.

... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondents to restore the Arulmighu Vanabathra Kaliyamman Temple in S.No.11 of Agramthan Village, Tambaram Taluk, Kancheepuram District and protect the antique status therein.

For Petitioner : Mr.M.Selvam

For RR 1 to 5 : M.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)By consent, the writ petition is taken up for final disposal.

Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 to 5.

- (2)The petitioner who is a resident of Kasapuram, Chennai-126, came forward to file the present writ petition styled as a public interest litigation, stating among other things that he is an Ex-Army Personnel and eking out his livelihood by running a Travel Agency and he being a Hindu, is also an ardent devotee of A/M Vanabhatra Kaliyamman Temple at Agramthan Village. It is the specific case of the petitioner that originally, the temple along with the Deity, was located in S.No.11 of the said village which has been classified as ''Government Poramboke Anadeenam'' land and on 09.02.2019, the temple was desegregated by unknown miscreants and the complaint given in this regard, also failed to invoke any kind of response. The endeavor of the petitioner is to restore the temple to the original place and despite very many oral representations and a written representation dated 04.09.2019, no action appears to have been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition styled as a public interest litigation.
- (3)Mr.M.Selvam, learned counsel for the petitioner would submit that a FIR was also registered in Crime No.138 of 2019 by Selaiyur Police Station for the alleged commission of the offences under Sections 153 and 295 of IPC and no progress is being shown in the investigation and since desegregation of temple and displacement of the Deity affects religious sentiments of the people of the locality, the petitioner, who is an Ex-Army personnel is constrained to approach this Court by filing the present writ petition and prays for appropriate orders.
- (4)Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that appropriate orders would be passed on the representation submitted by the petitioner, in accordance with law.
- (5)This Court has considered the rival submissions and also perused the materials placed before it.
- (6)Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 3 and 5 to look into the representation of the petitioner and give a disposal in accordance with law after putting on notice, the person/s concerned, if any and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and

communicate the decision taken, to the petitioner as well as to the person/s concerned.

(7)The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer
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- 4.The Revenue Inspector
Tambaram, Chennai-45.
- 5.The Executive Officer
Agaramthan Village Panchayat
Chennai 600126.

+1cc to Mr.M.Selvam, Advocate, S.R.No. 856
+1cc to the Government Pleader, S.R.No. 950

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SVI (CO)
GN(04/02/2020)

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