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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. Nos.10492, 13559, 13555, 8351, 13552, 8341, 8345, 8346,
13546, 26872, 7708, 13564, 8350, 13557, 13558, 8349, 8348,13560,
8344, 8347,
13562, 26871, 13545, 26192, 13549, 13550, 38387, 13724, 29145,
27476,
8342, 8343, 26870, 26493, 13547, 13548, 13551, 26191, 8352,
13543,
13544, 13553, 13554, 13556, 13561, 13563 of 2015 and 7427 of
2016 and
M.P. Nos.1,1 of 2015
and 3 & 4 of 2015
and
WMP. No.6634 of 2016

R.DHANANJAYAN

... PETITIONER in WP No.10492 of 2015

V.SUDHAKAR

... PETITIONER in WP No.13559 of 2015

S.MOHAMED KASIM

... PETITIONER in WP No.13555 of 2015

K.VENKATESAN

... PETITIONER in WP No.8351 of 2015

K.VENKATESAN

... PETITIONER in WP No.13552 of 2015

S.RAJAPPAN

... PETITIONER in WP No.8341 of 2015

C.GOVARDHANA GIRI

... PETITIONER in WP No.8345 of 2015

K.THASOON BEEVI

... PETITIONER in WP No.8346 of 2015



K.THASOON BEEVI

... PETITIONER in WP No.13546 of 2015

M.KRISHNAN

... PETITIONER in WP No.26872 of 2015

E.VIJAYAKUMAR

... PETITIONER in WP No.7708 of 2015

PALANI PATHAM

... PETITIONER in WP No.13564 of 2015

M.M.MANI THEVER

... PETITIONER in WP No.8350 of 2015

S.VANADHATCHI

... PETITIONER in WP No.13557 of 2015

N.NAMMALWAR

... PETITIONER in WP No.13558 of 2015

G.KESAVALU NAIDU

... PETITIONER in WP No.8349 of 2015

N.SAVITHRI AMMAL

... PETITIONER in WP No.8348 of 2015

SYED AHAMED HUSSAIN

... PETITIONER in WP No.13560 of 2015

S.PURUSHOTHAMAN

... PETITIONER in WP No.8344 of 2015

A.MOHAMED AYUB KHAN

... PETITIONER in WP No.8347 of 2015

R.JAYACHANDRAN

... PETITIONER in WP No.13562 of 2015

SMT. THULASI AMMAL

... PETITIONER in WP No.26871 of 2015

G.GOPALA KRISHNAN

... PETITIONER in WP No.13545 of 2015

N.BHARATHI AMMAL

... PETITIONER in WP No.26192 of 2015



C.GOVARDHANA GIRI

... PETITIONER in WP No.13549 of 2015

G.KESAVALU NAIDU

... PETITIONER in WP No.13550 of 2015

K.M.SELVARAJ

... PETITIONER in WP No.38387 of 2015

M.ABDUL RAHMAN

... PETITIONER in WP No.13724 of 2015

1 A.S.KARTHIKEYAN

... PETITIONERS in WP No.29145 of 2015

2 A.S.SIVAKUMAR

3 A.S.PRABHU

4 A.S.ANAND

A. MOHAMED GOUSER

... PETITIONER in WP No.27476 of 2015

G.GOPALA KRISHNAN @ GOPAL

... PETITIONER in WP No.8342 of 2015

R.VASU

... PETITIONER in WP No.8343 of 2015

S. MAHALINGAM

... PETITIONER in WP No.26870 of 2015

B. NITHYANANDHAM

... PETITIONER in WP No.26493 of 2015

N.SAVITHRI AMMAL

... PETITIONER in WP No.13547 of 2015

S.RAJAPPAN

... PETITIONER in WP No.13548 of 2015

R.VASU

... PETITIONER in WP No.13551 of 2015

A.NEMICHAND

... PETITIONER in WP No.26191 of 2015

P.KANNAYARAM

... PETITIONER in WP No.8352 of 2015

K.THULASIDOSS

... PETITIONER in WP No.13543 of 2015

V.C.JAYARAMAN

... PETITIONER in WP No.13544 of 2015



E.VIJAYAKUMAR

... PETITIONER in WP No.13553 of 2015

M.M.MANI THEVER

... PETITIONER in WP No.13554 of 2015

T.THIRUGNANASAMBANDAM

... PETITIONER in WP No.13556 of 2015

SYED AHAMED HUSSAIN

... PETITIONER in WP No.13561 of 2015

R.MAHENDRAN

... PETITIONER in WP No.13563 of 2015

A.NATARAJAN

... PETITIONER in WP No.7427 of 2016

VS

1 THE JOINT COMMISSIONER

HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS

BOARD NUNGAMBAKKAM HIGH ROAD CHENNAI 600

034.

2 ARULMIGHU EKAMBAESWAR

THIRUKOIL HAVING ITS OFFICE AT THE TEMPLE

PREMISES AMINJIKARAI CHENNAI 600 029.

.. RESPONDENTS IN W.P. NOS. 10492, 8241 TO 8352, 26870
TO 26872, 26291, 26192, 26493, 13724, 29145, 38387, 27476, 7708
OF 2015

1 THE DISTRICT COLLECTOR

COLLECTOR OFFICE 62 RAJAJI SALAI CHENNAI 1

2 THE THASILDHAR

AMINJIKARAI TALUK OFFICE (NEAR

KURUNGALEESWARAR TEMPLE) NO.4 WEST MADA

STREET KOYAMBEDU CHENNAI 107



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ARULMIGHU EKAMBARESWARAR

THIRUKOIL HAVING ITS OFFICE AT THE TEMPLE

PREMISES AMINJIKARAI CHENNAI 29

.. RESPONDENTS IN W.P. NOS. 13543 TO 13564 OF 2015

1 THE JOINT COMMISSIONER

HINDU RELIGIOUS & CHARITABLE ENDOWMENTS

DEPARTMENT NUNGAMBAKAM HIGH ROAD CHENNAI-

600 034.

2 THE EXECUTIVE OFFICER

ARULMIGHU EKAMBARESWARAR THIRUKOIL HAVING

ITS OFFICE AT THE TEMPLE PREMISES

AMINJIKARAI CHENNAI-600 029.

... RESPONDENTS in WP No.7427 of 2016

Prayer

WP No.10492 of 2015

Writ Petition filed under Article 226 of the Constitution of India Praying to Writ of Certiorarified Mandamus, to call for the impugned notice of the 1st Respondent passed in proceedings in Na.Ka.no.4592 of 2009/Aa2 dated 25/02/2015 and quash the same and consequently forbearing the respondents from interfering with the petitioners peaceful possession of the property situated at No.301, Poonamallee High road, Aminjikarai, chennai 600 029.



WP No.13559 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13555 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.8351 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.14512/2008/A2, dated 24.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.317, Old No.191, P. H. Road, Aminjikarai, Chennai-29.

WP No.13552 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.8341 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. no.13072/2008/A2, dated 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Old No. 23, New No.5, North Kasar Thottam Street, Aminjikarai, Chennai 29.

WP No.8345 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.4595/2009/A2, dt 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.14/15, Old No.9/1, East Arasamara Street, Aminjikarai, Chennai 29.



WP No.8346 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.13063/2008/A2, dated 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Door No.7, North Arasamara Street, Aminjikaiarai, Chennai 29.

WP No.13546 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.26872 of 2015

To call for the Notice of the 1st Respondent bearing Na.Ka.No.14515/2008/A2, dated 17.07.2015 issued to petitioner predecessor Arulnathan and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioner property, situated at No.8/1, New No.23, West Arasamaram Street, Aminjikaiarai, Chennai-600 029.

WP No.7708 of 2015

calling for the notice of the 1st respondent bearing Na. Ka. No. 4593/2009/A2, dt 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Old No.186, New No.310 Ponnammalle High Road, Aminjikaiarai, Chennai 29.

WP No.13564 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.8350 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.13065/2008/A2, dated 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.15, S.S.Shaib Street, Aminjikaiarak, Chennai-29.



WP No.13557 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13558 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.8349 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.13062/2008/A2, dated 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.16, Old No.1/25, Vellalar St, Aminjikarai, Chennai 29.

WP No.8348 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.4596/2009/A2, dated 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Door No.16, North Arasamara Street, Aminjikarai, Chennai 29.

WP No.13560 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.8344 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.4594/2009/A2, dt 25.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Old No.186, New No.310 Ponnammalle High Road, Aminjikarai, Chennai 29.

WP No.8347 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.13067/2008/A2, dated 25.2.2015 and quash the same and



consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.3/1C, Old No.1, North Arasamara Street, Aminjikarai, Chennai 29.

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WP No.13562 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.26871 of 2015

To call for the Notice of the 1st Respondent bearing Na.Ka.No.14517/2008/A2, dated 17.07.2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioner property, situated at No.8A, New No.25, West Arasamaram Street, Aminjikarai, Chennai-600 029.

WP No.13545 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.26192 of 2015

Calling for the notice of the first respondent bearing Na.Ka.No.13060/2008/A2, dated 17.07.2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at New No.60, Old No.42, Vellalar Street, Aminjikarai, Chennai-600 029.

WP No.13549 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13550 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.



WP No.38387 of 2015

calling for the notice of the 1st respondent bearing Na.Ka.No.14749/2013/A2 dated 6.11.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at No.263, Poonamalle High Road, Aminjikarai, Chennai 600 029.

WP No.13724 of 2015

calling for the notice of the 1st respondent bearing Na. Ka. No. 4597/2009/A2, dt 25.2.2015 and quash the same and consequently for bearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.9, East Arasamara Street, Aminjikarai, Chennai 29.

WP No.29145 of 2015

to call for the Notice of the 1st respondent bearing Na.Ka.No.14518/2008/A2, dated 17.7.2015 issued to petitioners predecessor Govindaraja Pillai and Nirmala and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at NO.1, North Arasamaram Street, Aminjikarai, Chennai 600 029.

WP No.27476 of 2015

"to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the order of the First Respondent made in Nada.Na.Ka.No.4598/2009/A2, dated 06/08/2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at New No.6/1, Old No.4, North Kasar Garden Street, Aminjikarai, Chennai-600 029.

WP No.8342 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.14520/2008/A2, dated 24.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at New No.308, Old No.184/1&2, Ponnammalle High Road, Aminjikarai, Chennai 29.



WP No.8343 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.14523/2008/A2, dated 24.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Old No.2, New No.1, T.S. No.91, West Arasamaram Street, Aminjikarai, Chennai 29.

WP No.26870 of 2015

To call for the Notice of the 1st Respondent bearing Na.Ka.No.4589/2009/A2, dated 17.07.2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioner property, situated at No.8B, New No.27, West Arasamaram Street, Aminjikarai, Chennai-600 029

WP No.26493 of 2015

calling for the notice of the First Respondent bearing Na.Ka.No. 13064/2008, A2 dated 17/07/2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Old No.46, New No.49, Vellai Street, Aminjikarai, Chennai - 600 029.

WP No.13547 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13548 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13551 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.



WP No.26191 of 2015

Calling for the notice of the first respondent bearing Na.Ka.No. 4590/2009/A2, dated 17.07.2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Old No.311, P.H.Road, Aminjikai, Chennai-600 029.

WP No.8352 of 2015

Calling for the notice of the 1st respondent bearing Na. Ka. No.14522/2008/A2, dated 24.2.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at Door No.33/1, 2, 3, South Kasar Thottam Street, Aminjikai, Chennai-29.

WP No.13543 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13544 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13553 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13554 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13556 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.



WP No.13561 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.13563 of 2015

Directing the 2nd Respondent to include Petitioners Name in the Adangal Column of the Town Survey Register, as recommended by the 1st Respondent.

WP No.7427 of 2016

Calling for the notice of the First Respondent bearing Na.Ka.No.14747/2013/A2 dated 06.11.2015 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at No.230, Poonamalle High Road, Aminjikarai, Chennai-600 029.

For Petitioners : Mr.V.Sairam in the above WPs

For Respondents : Mr.NRR.Arun Natarajan,
Government Advocate for R1
in the above WPs
Mr.D.R.Sivakumar for R2
in the above WPs

C O M M O N O R D E R

This batch of Writ Petitions has been filed challenging notices issued by the 1st respondent under Section 78 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'), in relation to the lands comprised in O.S.No.70 & 70/A1, R.S.No.70/2 & R.S No.70/5, (lands/lands in question)and belonging to the Arulmighu Ekambareswarar Temple, Aminjikarai, Chennai 600 029 (temple).

2. As regards the property at R.S.No.70/2, it is the petitioners' case that they hold title to the same jointly with the temple. For this purpose they rely on the patta that has been issued in respect of the aforesaid property in their favour, jointly with the temple. Reference is also made to proceedings of the District Collector dated 17.02.2014 as well



as that of the Tahsildar, dated 31.07.1971, wherein the latter, taking note of the statement of the Tahsildar to the effect that there are records available to indicate that the Patta is held jointly by the individuals and the temple, has directed the Tahsildar to take forward the proceedings in this regard. Notwithstanding the specific direction, there has been no progress in the matter, according to the learned counsel for the petitioner.

3. As regards the property at R.S.No.70/5, the petitioners would state that there are records available with them to establish their title to the same, including orders passed by Benches of this Court. Though learned counsel would make reference to some of the documents placed in the compilation annexed to the writ affidavit in an attempt to establish their claim to the aforesaid property, I am not inclined to indulge the same seeing as that would constitute an exercise in fact finding, impermissible under Article 226 of the Constitution.

4. The challenge is to a notice and the question of whether the title to the properties in question would vest in the petitioners or temple in question, or jointly with both, constitutes disputed questions of fact that are best left to the concerned authority to decide, having regard to the submissions of the parties and documents relied upon.

5. In fine, the petitioners in these writ petitions, the Tahsildar/R2 and Executive Officer of the temple/R2 in W.P. No.27476 of 2015, shall appear before the Joint Commissioner who is arrayed as R1, on Wednesday the 4th of August, 2021 and make their submissions in response to the notices issued. After taking note of the submissions of all the parties, orders shall be passed by the Joint Commissioner within a period of four (4) weeks thereafter, i.e. on or before 31.08.2021.

6. W.P. Nos. 10492, 7708, 8341 to 8352, 26870 to 26872, 26191 & 26192, 13724, 38387, 29145 & 26493 of 2015 challenging notices under Section 78 (2) are dismissed as being premature.

7. Mr.Arun Natarajan, learned Government Advocate, would also bring to the notice of this Court that in case of two writ petitioners, one in occupation of R.S.No.70/5 and the other in occupation of S.No.70/2 and (portion) i.e., W.P. No.7427 of 2016 and W.P. No.27476 of 2015 respectively, orders of eviction under Section 78(2) have been passed on 17.07.2015 and 06.11.2015 respectively. Interim protection has been granted by this Court on 29.02.2016 and 11.09.2015, after the orders under Section 78 (2) has been passed.



8. In light of final orders having been passed in the above matters, the challenge to the notices fail and W.P. Nos. 7427 of 2016 and W.P. No.27476 of 2015 are rendered infructuous and are closed as such.

9. As regards W.P. Nos.13543 to 13564 of 2015, wherein a Mandamus has been sought directing the 2nd respondent i.e, the Tahsildar to include the petitioners' names in the Adangal Column of the Town Survey Register as recommended by the 1st respondent/ the District Collector, Chennai, a positive direction as sought for is not liable to be granted, seeing as the question of title is a matter to be decided after ascertaining and verification of several facts. Amendment to the Adangal shall be subject to, and depend upon the order passed by the Joint Commissioner as per paragraph 5 of this order.

10. These writ petitions are closed. No costs. Connected Miscellaneous Petitions are closed.

11. List W.P. Nos. 10492, 7708, 8341 to 8352, 26870 to 26872, 26191 & 26192, 13724, 38387, 29145 & 26493 of 2015 for compliance on 01.09.2021.

Sd/-
Deputy Registrar (DR)

True Copy

Sub-Assistant Registrar

rkp

To

1. The District Collector,
Collector Office,
62, Rajaji Salai, Chennai - 1.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nungambakkam High Road,
Chennai - 600 029.



3. The Tahsildar
Aminjekarai Taluk Office,
(Near Kurungaleeswarar Temple)
No.4, West Mada Street, Koyambedu,
Chennai - 600 107.

+1cc to M/s. S.D.Ramalingam , Advocate, S.R.No.34210

+1cc to Mr.V.V.Sairam , Advocate, S.R.No.34408

+1cc to the Government Pleader, S.R.No.34988

+1cc to the Government Pleader (HR & CE), S.R.No.34702 to 34707,
34709 to 34712 and 34714

W.P. Nos.10492, 13559, 13555, 8351, 13552, 8341, 8345, 8346,
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13563 of 2015 and 7427 of 2016

AJS (CO)
RLP(01/09/2021)