

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.10238 & 4936 of 2021

W.P.No.10238 of 2021

J.Mohanraj

Vs.

..Petitioner in person

1. District Collector
Collectorate of Chennai Singaravelar Maaligai
62, Rajaji Salai
Chennai 600 001.
2. The Commissioner
Hindu Religious and Charitable
Endowments Department
119, Uttamar Gandhi Salai
Chennai 600 034.
3. The Executive Officer
Sri Sundara Varadaraja Perumal Temple
Kaliyamman Koil Street
Rajeshwari Nagar
Virugambakkam
Chennai 600 092.
4. The Thakkar
Sri Sundara Varadaraja Perumal Temple
Kaliyamman Koil Street
Rajeshwari Nagar
Virugambakkam
Chennai 600 092.

..Respondents

W.P.No.4936 of 2021

Arulmigu Sri Sundara Varadaraja Perumal Temple
rep. by its Executive Officer
Kaliyamman Koil Street
Virugambakkam
Chennai 600 092.

..Petitioner

Vs.

1. The Principal Secretary and Commissioner
of Land Administration
Government of Tamil Nadu
Ezhizhalgam
Chepauk, Chennai 600 005.

2. The District Collector
Chennai District
Singaravelar Maligai
Rajaji Salai, Chennai 600 001.

3. Nawab Zada Kurshed Mohammed Khan

4. Nawab Zada Rafeeq Mohammed Khan

5. Maboosa Begum

6. Faizal Mohammed Khan

7. Bhagat Mohammed Khan

8. The Joint Commissioner
HR and CE Department
Chennai.

[R8 suo-motu impleaded vide
order dated 05.03.2021]

...Respondents

Prayer in W.P. No. 10238/2021 and W.P. No. 4936/2021: Petition
filed under Article 226 of the Constitution of India for

(i) Writ of Mandamus directing the first and second
respondents to restore the Holy Tank Mettukulam in Virugambakkam
Block 34 T.S.No.2 (Old survey No.222/3 part) and hand over the
Holy Tank to the Virugambakkam Sri Sundaravaradharaja Perumal
Temple; and

(ii) Writ of Certiorarified Mandamus calling for the records
of the first and second respondents in connection with the order
in No.K4/34740/2011 dated 24.12.2020 passed by the first
respondent rejecting the appeal of the petitioner and confirming
the orders of the second respondent passed in
RC.No.J5/16297/2010 dated 24.03.2020 and quash the same and
consequently, direct the first and second respondent to transfer
the Registry of the Revenue Records in respect of the above land
in Block No.34, T.S.No.2 (Old S.No.222/3pt) and T.S.No.148 (Old
S.No.222/3pt., 223 pt) of Virugambakkam Village, Mambalam Taluk
from that of Government Dry "Taluk Board" in Town Survey Land

Register to that of "Temple Land" belonging to Arulmigu Sundara Varadharaja Perumal Temple, Kalamman Koil Street, Virugambakkam, Chennai 600 092.

For Petitioner : Mr.J.Mohanraj
Party-in-Person
in WP No.10238 of 2021

Mr.M.Ramamoorthi
in WP No.4936 of 2021

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for R1 in WP No.10238 of 2021 &
for R1 & R2 in WP No.4936 of 2021

Mr.M.Ramamoorthi
for respondents 3 & 4

Mr.Karthikeyan,
for H.R. & C.E. Department

COMMON ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J.)

In both these writ petitions, the respective petitioner seeks relief in respect of a tank in Virugambakkam. According to the respective petitioner, the Mettukulam Tank originally belonged to Sri Sundaravaradharaja Perumal Temple and that the said tank has now been taken over by private parties. It is further asserted by the writ petitioner in W.P.No.10238 of 2021 that several proceedings were initiated so as to restore the tank to the temple but to no avail.

2. Learned counsel appearing for Sri Sundaravadharaja Perumal Temple also concurs with the aforesaid contention and states that the temple had also made a representation for the restoration of the tank but that such representation was rejected. Consequently, the temple filed W.P.No.4936 of 2021.

3. In the aforesaid facts and circumstances, without examining the merits of the matter, the petitioner in W.P.No10238 of 2021 is permitted to carry a fresh representation to the first respondent. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider such representation and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of such representation after hearing all parties affected thereby.

4. As regards the temple, the records disclose that the first respondent had rejected the appeal filed by the Executive Officer of the temple by a terse order. However, the matter is remanded to the first respondent and the first respondent is directed to reconsider the same by considering all material evidence. For such purpose, the temple authorities viz., third and fourth respondents in W.P.No.10238 of 2021 are permitted to submit all material documents within a period of two weeks from the date of receipt of a copy of this order and the first respondent is directed to consider such appeal afresh without being influenced by the earlier order of rejection and pass a reasoned order thereon and communicate the same to the temple within eight weeks from the date of receipt thereof.

5. W.P.Nos.10238 of 2021 and 4936 of 2021 are disposed of on the above terms without any order as to costs. Consequently, WMP No.6005 of 2021 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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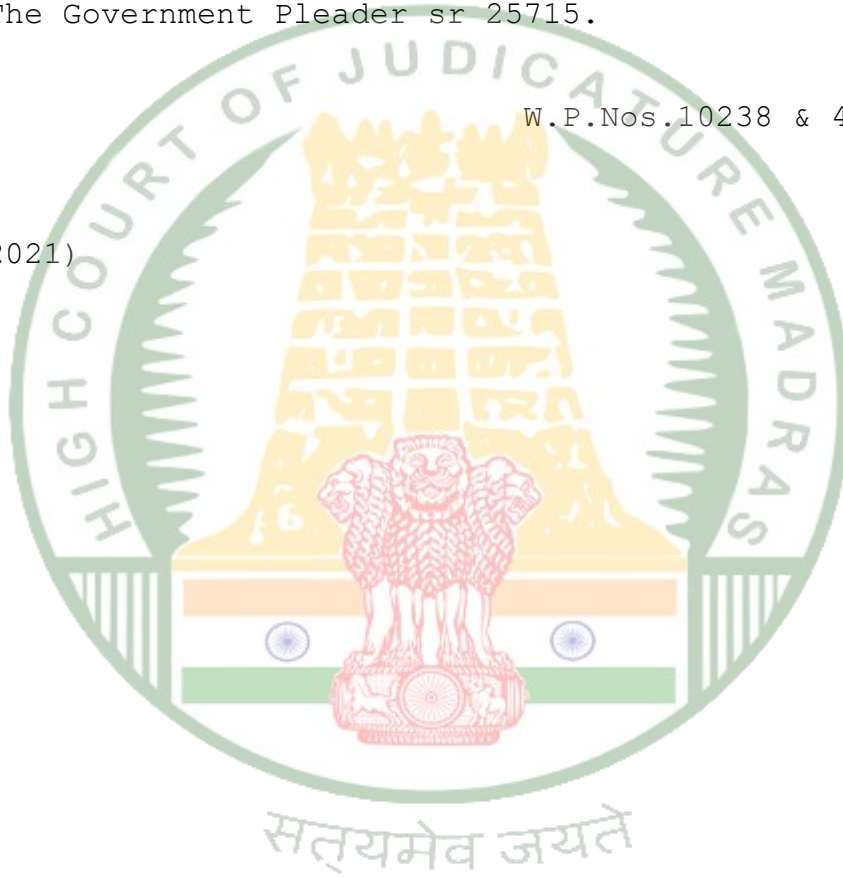
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4. The Joint Commissioner
HR and CE Department
Chennai.

+2 Ccs to Mr.J.R. Roberts Advocate sr 25498, 25497
+1 CC to The Government Pleader sr 25715.

W.P.Nos.10238 & 4936 of 2021

PCH (CO)
SP (18/05/2021)



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