

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.18627 of 2012

& M.P.No.1 of 2012

K.Munuswamy

...Petitioner

Vs.

1. The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner
Hindu Religious & Charitable Endowments Department,
Vellore, Vellore District.
3. The Inspector
Hindu Religious & Charitable Endowments Department,
Arakkonam, Vellore District.
4. The Sub Inspector of Police,
Law and Order, Kaveripakkam Police Station,
Vellore District.
5. Thiru.Ravichandran ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents 1 to 4 to take suitable lawful action against the 5th respondent on the light of proceedings of the 3rd respondent dated 22.6.2012 by forbearing the 5th respondent from selling the Arulmighu Kottai Sri Abaya Varadaraja Perumal temples land in survey Nos.403/3 403/6 404/6 406/1 406/4 1231 1232 1233 1235 1257 1258 1261 1262 1264 1264/1 1264/3 1271/1 1271/B 1316/2A 1264/3 126-4/2 126-4/3 126-4/1266 and 1316 situated at Kaveripakkam Village Arakkonam Taluk Vellore District.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.M.Karthikeyan,
Special Government Pleader - R1 to R3
Mr.R.Prathap Singh
Government Advocate - R4
No appearance - R5

ORDER

The prayer in this Writ Petition is for a mandamus directing the official respondents, i.e., the authorities under

the Hindu Religious and Charitable Endowments Department (HR & CE Department) to take lawful action against the 5th respondent, whose name is printed in the cause list, but is not represented by counsel, from selling the properties of the Arulmighu Kottai Sri Abaya Varadaraja Perumal Temple, Kaveripakkam Village, Arakkonam Taluk, Vellore District (temple).

2. In the additional affidavit dated 07.01.2021 filed by the second respondent, i.e., the Joint Commissioner, HR & CE Department, at paragraph 3, it is admitted that the 5th respondent, hereditary trustee of the temple, has engaged in illegal acts that have been detrimental to the interests of the temple and its properties. R2 states that the third respondent, the Inspector of Police has sent a report to the Assistant Commissioner suggesting action under Section 53(2) of the Hindu Religious and Charitable Endowments Act, 1959 (HR & CE Act). Pursuant thereto, the second respondent, vide order dated 02.12.2020 has placed the 5th respondent under suspension. The Circle Inspector/R3 has been appointed as a Fit Person and charge has been handed over by R5 to him. R5 has been asked to tender his explanation to the charges framed against him by the Joint Commissioner.

3. As against the properties in survey Nos.403/3 403/6 404/6 406/1 406/4 1231 1232 1233 1235 1257 1258 1261 1262 1264 1264/1 1264/3 1271/1 1271/B 1316/2A 1264/3 126-4/2 126-4/3 126-4/1266 and 1316 situated at Kaveripakkam Village Arakkonam Taluk Vellore District, Mr.Karthikeyan states that the temple continues to hold title over the properties, but 94 encroachers have been identified and proceedings in terms of Section 78 of the Tamil Nadu HR & CE Act, have been initiated against the said encroachers.

4. Recording the aforesaid and as the mandamus sought stands partly achieved, I do not see any need to keep this Writ Petition pending any longer. This Writ Petition is closed. However, a comprehensive report along with supporting documents in regard to the action taken under Section 78 as well as the action taken as against R5/hereditary trustee will be filed with the Registry within a period of eight weeks from today i.e. on or before 30.06.2021. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner
Hindu Religious & Charitable Endowments Department,
Vellore, Vellore District.
3. The Inspector
Hindu Religious & Charitable Endowments Department,
Arakkonam, Vellore District.
4. The Sub Inspector of Police,
Law and Order, Kaveripakkam Police Station,
Vellore District.
5. The Registrar (Judicial)
High Court, Madras
6. The Sub Assistant Registrar,
Writ Section,
High Court, Madras
7. The Section Officer,
Writ Section,
High Court, Madras.

(For tracking the report and place the report before Her
Lordship on or before 30.06.2021)

+1 cc to Mr.B.GopalaKrishnan, Advocate, SR.NO.26589

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RLD(CO)
NS(11/05/2021)

सत्यमेव जयते

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