

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.24386 of 2012
and
MP. No.1 of 2012

V.Kumarasami

...Petitioner

Vs

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Namakkal.

2.The Revenue Divisional Officer,
Thiruchengode.

3.The Tahsildar,
Thiruchengode.

4.The District Revenue Officer,
Namakkal Division,
Namakkal.

5.M.R.Mohan

6.T.Lakshmi

7.Arulmighu Padugai Karuppanasamy Thirukoil,
Rep. by its Fit Person/Thakkar,
Kallianoor, Komarapalayam Taluk,
Namakkal District 638 008.

...Respondents

(R7 impleaded vide order dated 11.11.2020 made in
WMP.6618/2020 in WP.24386/2012)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, forbearing the respondents 1 to 4 from in any manner, permitting or allowing the 5th & 6th respondents to in any way alienate or encumber on the temple property of Patta No.3 in Survey No.96/2A, Punjai Hec.0.28.5; S.No.96/2C, Punjai Hec. 0.96.0 and S.No.107/3A Punjai Hec.0.22.5 of Kallianoor Amani Village, Pallipallayam, Namakkal District, which has been classified in the Revenue Records as belonging to that of Arulmigu Karuppanasamy Temple, pursuant to 4th respondent's order made in Cepa.63/2010/0-1 dated 8.6.2012.

For Petitioner : Ms.N.S.Jasmine Padma

For Respondents : Mr.M.Karthikeyan (for R1)
Special Government Pleader

Mr.R.P.Prathap Singh (for R2 to R4)
Government Advocate

Mr.Wilson Topaz (for R7)
for Mr.A.S.Kailasam Associates

No Appearance (for R5 & R6)

O R D E R

This writ petition seeks a mandamus forbearing respondents 1 to 4 who are the Assistant Commissioner, HR&CE Department/R1 and the revenue authorities i.e. Revenue Divisional Officer/R2, Tahsildar/R3 and District Revenue Officer/R4 not to alienate the temple property situated at Patta No.3 in S.No.96/21, Punjai Hec.0.28.5; S.No.96/2C, Punjai Hec. 0.96.0 and S.No.107/3A Punjai Hec.0.22.5 of Kallianoor Amani Village, Pallipalayam, Namakkal District, classified in the revenue records, as belonging to Arulmigu Karuppanasamy Temple, impleaded as R7 vide order dated 11.11.2020.

2.According to the counter filed by the temple at para-4, Mr.V.Chakravarthi, who is a Fit Person/Thakkar states that upon request of R5 & R6, patta appears to have been issued to them without any notice to the temple and that an appeal had been filed against the grant of patta by the District Revenue Officer in 2012. The counter proceeds on the basis that the appeal filed in 2012 is still pending. However, Mr.Prathap Singh, learned Government Advocate, who appears for R2 to R4 states that the appeal has been disposed on 05.03.2013.

3.Counter filed by R3 is silent on this aspect. During the course of the hearing today, a copy of the aforesaid order has been furnished to the learned counsel for the temple and it is unknown as to whether this order has been served earlier upon the temple. In any event, I see no reason or justification to keep this writ petition pending any longer.

4.This writ petition is closed and the temple is granted liberty to take such action, as may be necessary to challenge order dated 05.03.2013, in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

ska/vs

To

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Namakkal.

2.The Revenue Divisional Officer,
Thiruchengode.

3.The Tahsildar,
Thiruchengode.

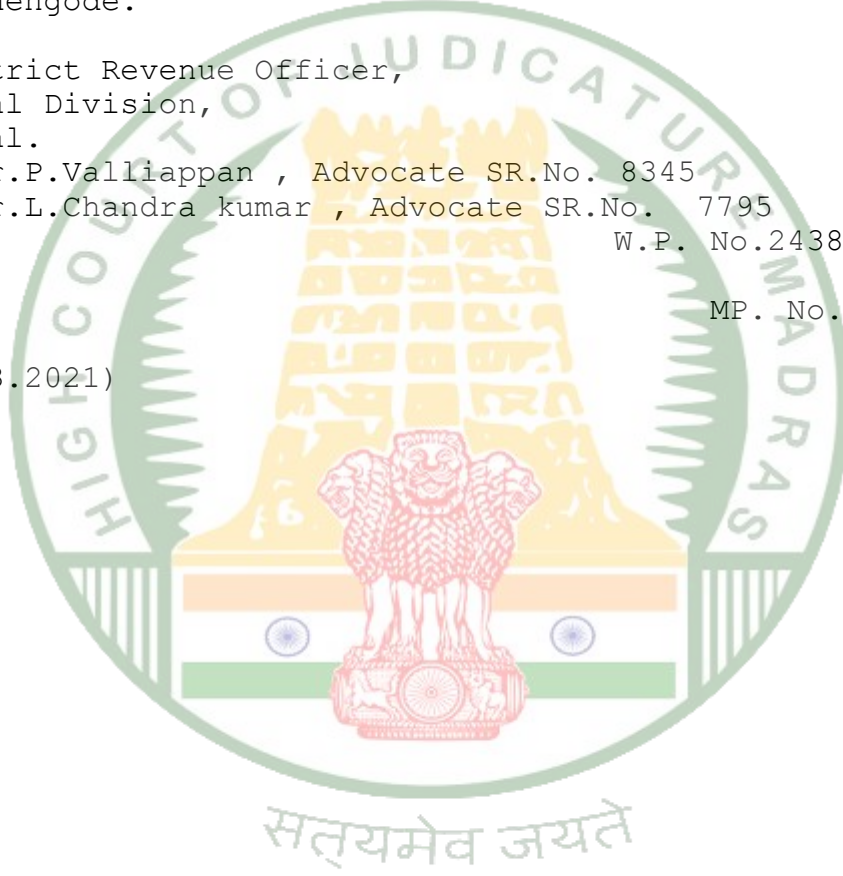
4.The District Revenue Officer,
Namakkal Division,
Namakkal.

+1cc to Mr.P.Valliappan , Advocate SR.No. 8345

+1cc to Mr.L.Chandra kumar , Advocate SR.No. 7795

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nrl co
A.SK(04.03.2021)



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