

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.No.10328 of 2021

R.Sambath Kumar

..Petitioner

Vs.

1. The District Collector
Kallakurichi District
Kallakurichi.
2. The Commissioner
Hindu Religious and Charitable
Endowments Department
119, Uthamar Gandhi Salai
Thousand Lights West
Nungambakkam
Chennai 600 034.
3. The Revenue Divisional Officer
Kallakurichi Division
Kallakurichi Taluk & District.
4. The Tahsildar
Kallakurichi Taluk
Kallakurichi District.
5. Arulmigu Angalamman Swami Temple
rep. by its Hereditary Trustee
Asakalathur Village
Kallakurichi Taluk & District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 06.02.2021 to retrieve the lands comprised in Survey No.149/3 belongs to the fifth respondent, viz. Arulmigu Angalamman Swami Temple situated at Asakalathur Village, Kallakurichi Taluk & District.

For Petitioner	:	Mr.G.Balamanikandan
For Respondents	:	Mr.G.K.Muthukumar Special Govt. Pleader for respondents 1 to 4

ORDER

(MADE BY THE HON'BLE CHIEF JUSTICE)

The petitioner complains of the land comprised in S.No.149/3, which, according to the petitioner, is owned by the Arulmigu Angalamman Swami Temple at Asakalathur Village in Kallakurichi, being used as an extension of the contiguous burial ground. The grievance of the petitioner is that the petitioner's representation has fallen on deaf ears.

2. It is not the petitioner's case that there is no burial ground. However, the petitioner complains of the burial ground being wrongfully extended to a part of the land in S.No.149/3 which belongs to the temple.

3. Without going into the veracity of the allegations levelled by the petitioner, the first respondent District Collector is directed to consider the matter in appropriate perspective and, if he finds that the burial ground has spilled over the demarcated area and has been extended into any part of the land standing in the name of the temple, the Collector will issue appropriate directions for the demarcation to be strictly maintained and no further burial to be permitted on the temple land. For such purpose, the Collector will consult the revenue records and the Tahsildar exercising jurisdiction over the area will extend all assistance to the Collector.

4. Before the Collector passes a reasoned order based on the petitioner's representation, as indicated herein, the Collector should hear the authorities in control of the burial ground and consult all revenue records and afford both the petitioner and others interested, an opportunity of being heard. It is needless to say that the Collector should pass a speaking order.

5. It is repeated that the veracity of the petitioner's claims have not been gone into and it will be for the Collector to ascertain the same on the basis of records and the opportunity of hearing given to the persons likely to be affected by the order. The Collector's reasoned order should be passed within eight weeks of the receipt of a copy of this order.

6. At any rate, the Collector should ensure that appropriate hygienic conditions are maintained at both the burial ground and at the temple ground.

7. W.P.No.10328 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
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Kallakurichi.
2. The Commissioner
Hindu Religious and Charitable
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Kallakurichi Taluk & District.
4. The Tahsildar
Kallakurichi Taluk
Kallakurichi District.

+lcc to Mr.G.Balamanikandan, Advocate, S.R.No.25228

+lcc to the Special Government Pleader(HR & CE), S.R.No.25714

सत्यमेव जयते

W.P.No.10328 of 2021

KV(CO)
KKV/02/06/2021

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