

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.8663 of 2021

Mr.Saji P. Iype

.. Petitioner

Vs

- 1 The Commissioner
Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Salai, Nungambakkam
Chennai-600 034
- 2 The Land Commissioner
Ezhilagam, Chepauk, Chennai - 600 005.
- 3 The District Collector,
Krishnagiri District, Krishnagiri.
- 4 The Executive Officer,
Hindu Religious and Charitable Endowments Board,
Hosur, Krishnagiri District.
- 5 The Inspector of Police,
Bagalur Police Station,
Hosur Taluk, Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 02.01.2021 consequently till then not to take any coercive steps by the 4th respondent herein with regard to the petitioner property situated at Pichagundappalli Village, Hosur Taluk, Krishnagiri, comprised in Survey No.19, 20/1, 20/2, 22/1, 22/2 and 23 having a total extent of 23.68 acres.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.R.P.Prathap Singh
Government Advocate
- R1 to R3 and R5
Mr.R.Bharanidaran - R4

O R D E R

Mr.R.P.Prathap Singh, learned Government Advocate accepts notice for R1 to R3 and R5 and Mr.R.Bharanidaran, learned counsel accepts notice for Executive Officer, Arulmighu Kothandaramasamy Temple/R4 (temple) and both are armed with instructions to proceed with the matter finally even at the stage of admission. Hence, by consent of both sides, the Writ Petition is disposed finally at this stage.

2. The petitioner seeks a mandamus directing the first and second respondents, i.e., the Commissioner, Hindu Religious and Charitable Endowments Board and the Land Commissioner to consider his representation dated 02.01.2021 and till then a direction to the 4th respondent to desist from taking any coercive steps with regard to the property at Pichagundappalli Village, Hosur Taluk, Krishnagiri, comprised in Survey Nos.19, 20/1, 20/2, 22/1, 22/2 and 23 of a total extent of 23.68 acres (land in question).

3. The undisputed position is that the land in question is under cultivation by several cultivating tenants. There is, however, a dispute with regard to the title to the property, as, according to learned counsel for R4, the land belongs to the temple, whereas, according to the petitioner, he is the owner of the land, having purchased the same in 2017 from a private party.

4. The temple has challenged the grant of patta in favour of the petitioner before the Revenue Divisional Officer, who by his order dated Nil, signed on 20.12.2019 states that he is not the proper party to consider such challenge and has directed the temple to approach the Land Commissioner. Accordingly, the temple has filed an appeal before the Land Commissioner on 09.02.2021 that is stated to be pending.

5. In such circumstances, it would suffice that a direction is issued to the Land Commissioner/R2 to dispose the appeal within a period of eight (8) weeks from today after hearing R4 as well as the petitioner (arrayed as a respondent in that appeal) and any other party that he may believe are proper parties to be heard in the disposal of the appeal.

6. The Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1 The Commissioner
Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Salai, Nungambakkam
Chennai-600 034
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Hosur, Krishnagiri District.
- 5 The Inspector of Police,
Bagalur Police Station,
Hosur Taluk, Krishnagiri District.

+1CC TO MR.R.RAMESH, ADVOCATE, SR.NO. NO 21824

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 22185

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PMK (CO)

KKN 19.04.2021

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