

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.10170 of 2020

1 A.Radhakrishnan
S/o. T.Arumuga grounder Kallakuruchi Salem-
636 008. ...Petitioner

Vs

- 1 The Secretary to Government
Public Department Chennai-600 009.
- 2 The Secretary to Government
Revenue Department Secretariat Chennai-600
009.
- 3 The Secretary to Government
Home Department Secretariat Chennai-600
009.
- 4 The Secretary to Government
Tourism Culture and Religious Endowments
Department Secretariat Chennai- 600 009.
- 5 The Commissioner of Revenue Administration
Chepauk Chennai-600 005.
- 6 The Commissioner of Land
Administrtion Chepauk Chennai-600 005.
- 7 The Commissioner
Hindu Religious and Chartable Endowments
Department No.119. Numngumbakkam High Road
Chennai-600 034.
- 8 The Director General of Police
Dr.Radhakrishnan Salai Road Chennai -
600 004.
- 9 The District Collector
Namakkal

- 10 The District Revenue Officer,
Namakkal
- 11 The Thasildar
Namakkal
- 12 The Inspoector of Police
Puduchatram Police Station Namakkal
District.
- 13 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Namakkal.
- 14 The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department Namakkal.
- 15 The Executive Officer
Arulmigu Nageswara Swamy Thirukoil Sarkar
Nattamangalam Namakkal.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the respondents to secure and safeguard the 15th respondent temple properties situated in S.F.No.273 at Sarkar Nattamgangalam Village Namakkal Taluk and District by erecting signboard and fencing the same by considering the petitioner representations dated 11.07.2020 and 13.07.2020 and pass such further or other orders.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.R.P.Prathap Singh,
Government Advocate - R1, R2, R3,
R5, R6, R8, R9 to 12
Mr.R.Venkatesh,
Government Advocate - R4, 7,
13 and 14
Mr.T.S.Vijayaraghavan - R15

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O R D E R

The petitioner has sought a mandamus directing the respondents to secure and safeguard the properties of Arulmighu Nageswaraswamy Thirukoil, arrayed as R15, situated in S.F.No.273 at Sarkar Nattamangalam Village, Namakkal Taluk and District (property in question) and by erecting a sign board and fencing

the same as requested in representations dated 11.07.2020 and 13.07.2020.

2. 15 respondents have been arrayed that include Secretary to Government in various Government Departments, the authorities of the Hindu Religious Charitable and Endowments Department (HR & CE Department), law enforcing authorities, revenue authorities and District Collector.

3. In the hearing on 01.10.2020, it came to note that there had been some dispute with regard to the title to the property in question and the temple has, in fact, filed an appeal challenging the communication issued in June, 2018 by the Revenue Divisional Officer, that is stated to be pending before the Commissioner of Land Administration (in short 'CLA').

4. On 05.11.2020, the following order passed:

Mr.R.Thangavel, learned Special Government Pleader submits that he appears for R1, 2, 3, 5, 6, 8, 9, 10, 11 and 12 and seeks some time to file a counter/status report. Let the same be filed on or before 07.12.2020.

2. In the meanwhile, the Temple/R15 has filed a representation before 6th respondent/Commissioner of Land Administration on 01.10.2020. This is consequent upon order dated 13.06.2018 in regard to the property at S.F.No.273, Sarkar Nattamangalam Village, Namakkal Taluk & District (property in question) which has been passed without hearing them. Though the present representation has been filed after an elapse of more than two years from date of order, the Temple has been writing to various authorities including police seeking their intervention for protection of the property in question. It is thus apparent to me that the import of order dated 13.06.2018 was not properly appreciated by the Temple. However, the Temple is seen to have taken some steps now to secure its rights as regard the property in question.

3. Thus the petitioner will appear before the 5th respondent on Monday, the 23rd of November, 2020 at 10.30. am. without expecting any further notice. The 5th respondent will hear the petitioner on the representation dated 01.10.2020 and pass orders thereupon passed prior to the next date of hearing i.e. 07.12.2020. The hearing may be conducted either

over video conference or by way of physical hearing as may be mutually convenient to the parties.

4. List on 07.12.2020.

5. Pursuant thereto, this Court has come to understand that the CLA/R6 has passed an order on 06.01.2021 to the effect that the order of the Revenue Divisional Officer cannot be interfered with. Both the learned counsel for the Temple as well as the present petitioner state that they are in the process of challenging the aforesaid order.

6. Liberty is granted to them to do so and all contentions are left open to be raised in those petitions, if and when filed. As far as the present Writ Petition is concerned, no useful purpose would be served in keeping it pending, insofar as the mandamus sought for cannot be granted in the light of the order of the CLA dated 06.01.2021.

7. Recording the aforesaid sequence of events, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Public Department Chennai-600 009.
- 2 The Secretary to Government
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Department Namakkal.
- 15 The Executive Officer
Arulmigu Nageswara Swamy Thirukoil Sarkar
Nattamangalam Namakkal.

+1cc to Mr.R.Marudhachalamurthy, SR.No.6459
+1cc to Government Pleader, SR.No.6686

W.P. No.10170 of 2020

PVS (CO)
KKV/22/02/2021
KKV/02/03/2021