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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.NO.13589 OF 2021

A.Radhakrishnan

Vs

... Petitioner

1.The Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat,
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,
Public (Law & Order - C) Department,
Secretariat,
Chennai - 600 009.

5.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam,
Chennai - 600 034.

6.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

7.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.



8.The Director of Survey and Settlement,
Chepauk,
Chennai - 600 005.

9.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.

10.The Superintendent of Police,
Anti Land Grabbing Special Cell,
Director General of Police Office,
Dr.Radhakrishnan Salai,
Chennai - 600 004.

11.The Director,
Vigilance and Anti Corruption Department,
Alandur,
Chennai - 600 016.

12.The Inspector General of Police,
West Zone,
Coimbatore.

13.The Special Officer of Temple Lands cum
District Revenue Officer,
Hindu Religious & Charitable Endowments Department,
Coimbatore.

14.The Regional Deputy Director of Survey
and Land Records,
Collectorate Campus,
Coimbatore.

15.The District Collector,
Dharmapuri.

16.The Additional District Executive Magistrate
cum District Revenue Officer,
Dharmapuri.

17.The Sub Divisional Executive Magistrate
cum Revenue Divisional Officer,
Dharmapuri.

18.The Taluk Executive Magistrate cum Tahsildar,
Pennagaram,
Dharmapuri.

19.The Assistant Director of Survey and Land Records,
Dharmapuri.



20. The Deputy Inspector General of Registration,
Collectorate,
Salem.

21. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem.

22. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.

23. The Inspector of Police,
Papparapatti Police Station,
Papparapatti,
Dharmapuri District.

24. The Fit Person,
Arulmighu Abishta Varadharaja Perumal Temple Groups,
Papparapatti Village,
Pennagaram Taluk,
Dharmapuri District.

25. The Inspector,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.

26. Thiru P.R. Achuthan
27. Thiru P.R. Srinivasan
28. Tmt. P.R. Rukmani
29. Tmt. P.R. Revathi
30. Ms. Padmasini
31. Thiru Rajendran
32. Thiru Veeramani
33. Thiru Munusamy
34. Thiru Sakthivel Naidu

35. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat,
Chennai 09.

36. The Secretary to Government,
Rural Development and Panchayat raj Department,
Secretariat, Chennai 09.



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37.The Secretary to Government,
Public Works Department,
Secretariat,
Chennai 09.

38.The Secretary to Government,
Highways Department,
Secretariat, Chennai 09.

39.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 09.

40.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 09.

41.The Director of Town Panchayats,
MRC Nagar, Raja Annamalaipuram,
Santhome High Road, Chennai 28.

42.The Engineer in chief cum Chief Engineer (General),
WRD, Public Works Department,
Chepauk, Chennai 05.

43.The Director General of Highways,
No.76 Sardhar Patel Road,
Guindy, Chennai 28.

44.The Chief Engineer,
Construction and Maintenance wing,
Highways Department, Chepauk,
Chennai 05.

45.The Director of geology and mining,
Guindy, Chennai 32.

46.The Assistant Director of Town Panchayats,
Dharmapuri.

47.The Assistant Director of Panchayats,
Dharmapuri.

48.The Assistant Director of geology and mining,
Dharmapuri.



49.The Executive Engineer,
Irrigation wing,
Public Works Department,
Dharmapuri.

50.The Divisional Engineer,
Construction and Maintenance Wing,
Highways Department,
Dharmapuri.

51.The Deputy Collector,
Temple lands,
Joint commissioner office,
Hindu Religious and Charitable Endowments Department,
Salem.

52.The Superintending Engineer, DEDC,
Tamil Nadu Generation and Distribution Corporation Limited,
Dharmapuri.

(R35 to R52, suo motu, impleaded vide order dated
16.07.2021 passed in W.P.No.13589 of 2021) ... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance a Writ of Mandamus,
directing the Respondents 15 to 25 to remove the encroachments
from all the properties belonging to 24th respondent temple with
the help of other officials respondents by considering the
petitioner representation dated 02.06.2021.

For Petitioner :Mr.A.Radhakrishnan, Party-in-person.

For Respondents :Mrs.R.Anitha, Government Advocate
for R1 to R23, R25 & R35.

Mr.M.Selvam for R24.

Mr.E.Sankar for Mr.N.K.Ashok kumar
for R26 to R30.

Ms.Anjane Vasan for M/s.P.V.Law Associate
for R34.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".



2.The Petitioner has come before this Court seeking a direction, directing the Respondents 15 to 25 to remove the encroachments from all the properties belonging to 24th respondent temple with the help of other officials respondents by considering the petitioner representation dated 02.06.2021.

3.According to the petitioner, the property belonging to Arulmighu Abishta Varadharaja Perumal Temple Groups has been encroached upon by the Private Respondents and others. Taking note of the communication dated 13.08.2019 sent by the 14th respondent to the 19th respondent, wherein the details of the encroachments made by the Private Respondents or some other persons in the properties of the said temple as well as water bodies, Government properties and roads has been sought by way of a report, this Court directed the 19th respondent to appear before this Court. Pursuant to the direction given by this Court, the 19th Respondent was present before this Court through video conference on 16.07.2021 and submitted that survey was assured to be conducted on 22.07.2021, 23.07.2021 and 24.07.2021.

4.When the matter is called today, the Learned Government Advocate appearing for the Respondents 1 to 23, 25 and 35 has submitted a survey report dated 26.07.2021 stating that survey has been conducted on 22.07.2021, 23.07.2021 and 24.07.2021 by various Government officials at the instance of the 15th Respondent viz., District Collector, Dharmapuri along with police protection. It is seen that the entire property of Arulmighu Abishta Varadharaja Perumal Temple Groups has been surveyed and the survey is complete.

5.The Petitioner / party-in-person who has appeared before this Court would contend that he is very much convinced with the survey conducted by the officials. He also lauds the efforts taken by the District Collector, Dharmapuri, Superintendent of Police and Inspector General of Police, West Zone and submitted that without their efforts, the survey could not have been conducted.

6.It is submitted that further, a co-ordinated committee meeting has been convened on 24.08.2021 by the 15th Respondent viz., District Collector, Dharmapuri. Hence, this Court directs R13, R14, R16 to R23, R46 to R52 to be present in the said meeting along with the previous and present revenue records so that comprehensive decision could be taken by the District Collector, Dharmapuri with regard to removal of encroachments. The petitioner and the concerned Private Respondents shall also be present in the meeting to put forth their grievance and appropriate order shall be passed by the concerned Respondents, especially by the District Collector viz., 15th respondent at the



earliest.

7.The Petitioner who has been fighting for retrieving and protection of temple properties, water bodies, Government properties has filed numerous cases in Public Interest Litigations and retrieved many temple properties of about 1000 acres of lands, water bodies and Government properties. It is stated by him that he has filed about 100 cases only as Public Interest Litigation in the interest of temple properties, Government properties and water bodies. It is also to be noted that he has only brought to the notice of this Court about the missing of 47,000 acres of temple lands pointing out discrepancies by way of policy note submitted in the assembly which are of the years 1985 -1987 and 2018-19 and 2019-20.

8.Many encroachers are affected because of the retrieving of temple properties, water bodies and Government properties at the instance of the Petitioner and therefore, safety and security of the Petitioner should be ensured by the Government. At this instance, the murder of a District Judge of Jharkand for not granting bail has also to be remembered. When such is the position and safety of the persons occupying higher post, a person who has been fighting for public cause should be protected with property security. No doubt he has already been granted two Personal Security Officers, one Armed Reserve Police and three gun man. The said security should not be reduced. In fact, it has to be enhanced.

9.Moreover, it is stated that no guard has been posted in his house. To ensure the safety and security of his family members, 24 hours guard should be posted at the residence of the Petitioner viz., Kannankurichi, Salem - 636 008 and without leave of this Court, security granted to the Petitioner shall not be withdrawn.

10.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

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Dharmapuri.

+lcc to Mr.Valliappan, Advocate, S.R.No.39822
+lcc to the Government Pleader, S.R.No.40124

W.P.No.13589 of 2021

MG(CO)
PM(07/09/2021)