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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.14113 of 2020

A.Radhakrishnan

.. Petitioner

Vs

- 1 The Secretary to Government ,
Revenue Department,
Secretariat, Chennai - 09.
- 2 The Secretary to Government,
Home Department,
Secretariat, Chennai - 09.
- 3 The Secretary to Government,
Tourism Culture and Endowments Department,
Secretariat, Chennai - 09.
- 4 The Commissioner of Revenue Administration,
Chepauk, Chennai - 05.
- 5 The Commissioner of Land Administration,
Chepauk, Chennai - 05.
- 6 The Director of Survey and Settlements,
Chepauk, Chennai - 05.
- 7 The Inspector General of Registrations,
100 Santhome High Road,
Chennai - 28.
- 8 The Director of Town and Country Planning,
Anna Salai, Chennai - 02.
- 9 The Commissioner,
Hindu Religious and Charitable Endowments Department ,
119 Nungambakkam High Road
Chennai 34.



10 The Director General of Police,
Dr. Radhakrishnan Salai, Chennai - 04.

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

12 The District Collector,
Kancheepuram.

13 The District Revenue Officer,
Kancheepuram.

14 The Tahsildar,
Sriperumpudur, Kancheepuram District.

15 The Inspector General of Police,
North Zone, Chennai.

16 The Regional Deputy Director,
Land Survey and Records Department ,
Kancheepuram.

17 The Assistant Director,
District Urban Planning Office,
Kancheepuram.

18 The Superintending Engineer
Tamilnadu Electricity Generation and
Distribution of Corporation,
Kancheepuram.

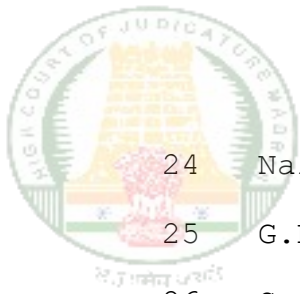
19 The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Vellur.

20 The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kancheepuram.

21 The Executive Officer,
Arulmiu Kasiviswanathar and
Venugopala Swamy Thirukoil,
Pappan Chattiram, Sriperumpudur,
Kancheepuram District.

22 D.Selvaraj

23 P.Gnanaraj



24 Nalini Selvaraj

25 G.Rajani

26 S. Amirtharaj

27 S.Anandaraj

28 S.Rajapriya

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 4 to 6, 8, 12 to 14, 16 and 17 to mute the revenue records and issue patta to in favour of 21st respondent temple to the properties situated in Irrungottai Village and Pazhanjur Village Kanchipuram District in Survey no.330/1, 350, 352/4, 354/2, 365, 366, 371/1, 375/2, 380, 390/2, 428/4 and other properties consequentially issue further direction to 9th respondent to secure and safe guard all the properties of 21st respondent temple by removing encroachment and initiate departmental action as against erring officials who failed to safe guard temple properties by considering petitioners representation dated 17.08.2020 and 21st respondents submission dated 25.07.2013.

For the Petitioner : Mr.R.Marudhachalamurthy

For the Respondents : Ms.R.Anitha
Counsel for the State
for respondents Nos.1 to 20

: Mr.P.Gunaraj
for respondents 23, 24, 26
to 28

: Mr.A.K.Sriram
for 21st respondent

: Not ready in notice
for respondents 22 and 25

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

There are two aspects to this public interest litigation: the first is the petitioner's concern that a huge tract of land



willed in favour of the 21st respondent temple is being denied by the government to the temple; and, that a part of the land measuring approximately 21 acre that had been leased out in or about the year 1995 by the temple to the respondent Nos.22 to 28 pursuant to an auction conducted in such regard has not yielded any lease rent upon the respondent Nos.22 to 28 as lessees purporting to deny the temple's title despite having taken possession of the relevant land from the temple.

2. As far as the second aspect is concerned, it is submitted by Mr.Sriram, appearing for the 21st respondent temple, that an order has been passed on October 28, 2021 by a Division Bench of this court in an appeal arising out of proceedings under Article 226 of the Constitution substantially upholding the order under appeal.

3. As far as the first part is concerned, despite the will being of 1884 and dispute arising between the State and temple as to the ownership of the land in or about 1956, the matter still remains unresolved and there is an appeal which has been filed by the temple before the fifth respondent in September, 2021 which is required to be decided.

4. Accordingly, since the second aspect will be governed by the order passed in the relevant writ appeal, W.A.No.2737 of 2021, and rights pertaining to the entirety of the land in question will be governed by the result of the appeal now pending before the fifth respondent, no immediate order can be passed in the present proceedings and the petition is disposed of by permitting the parties hereto to pursue their rights in accordance with law and by requesting the fifth respondent to pass a reasoned order in the relevant appeal upon affording due opportunity of hearing to the temple within a period of three months from date.

W.P.No.14113 of 2020 is disposed of. There will be no order as to costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

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21 The Executive Officer,
Arulmiu Kasiviswanathar and Venugopala Swamy
Thirukoil,
Pappan Chattiram, Sriperumpudur ,
Kancheepuram District.

+1cc to M/s.P.Gunaraj, Advocate, S.R.No.56100

+1cc to M/s.A.S.Kailasam & Associates, Advocate, S.R.No.56092

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.56047

+1cc to the Special Government Pleader (HR & CE), S.R.No.56794

W.P.No.14113 of 2020

PPA(CO)
SU(10/11/2021)