

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14244 of 2020

A.Radhakrishnan ... Petitioner-in-Person

Vs.

- 1 The Chief Secretary to Government
Secretariat
Chennai 600 009.
- 2 The Vigilance Commissioner
Secretariat
Chennai 600 009.
- 3 The Secretary to Government
Public (Special A) Department
Secretariat
Chennai 600 009.
- 4 The Secretary to Government
Personnel and Administrative Reforms Department
Secretariat, Chennai 600 009.
- 5 The Secretary to Government (Training)
Personnel and Administrative Reforms Department
Secretariat
Chennai 600 009.
- 6 The Secretary to Government
Revenue Department
Secretariat
Chennai 600 009.
- 7 S.K.PRABAKAR
Secretary to Government
Home Department
Chennai 600 009.

- 8 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009.
- 9 The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Chennai 600 009.
- 10 The Secretary to Government
Tourism Culture and Endowments Department
Secretariat
Chennai 600 009.
- 11 The Director
Vigilance and Anticorruption Department
Alandur
Chennai 600 016.
- 12 The Director General of Police
Kamarajar Salai
Chennai 600 004.
- 13 The Commissioner of Revenue Administration
Chepauk
Chennai 600 005.
- 14 The Commissioner of Land Administration
Chepauk
Chennai 600 005.
- 15 The Director of Survey and Settlements
Chepauk
Chennai 600 005.
- 16 The Director of Town and Country Planning
802 Anna Salai
Chennai 600 002.
- 17 The Director of Town Panchayats
Santhome High Road
Chennai 600 028.
- 18 The Commissioner
Hindu Religious and Charitable Endowments Department
No.119 Nungambakkam High Road
Chennai 600 034.

- 19 The District collector
Salem 636 001.
- 20 The District Revenue officer
Salem 636 001.
- 21 The Sub collector
Mettur
Salem District.
- 22 The Tahsildar
Omalur
Salem District.
- 23 The Commissioner of Police
Salem 636 006.
- 24 The Deputy Inspector General of Registrations
3rd Floor, Collectorate Campus
Salem 636 001.
- 25 The Assistant Director of Town Panchayats
Salem 636 001.
- 26 The Assistant Director
District Town and Planning Office
Salem 636 001.
- 27 The Executive officer
Karuppur Town Panchayat
Salem District.
- 28 The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Salem 636 001.
- 29 The Assistant Commissioner
Hindu religious and Charitable Endowments Department
Salem 636 001.
- 30 The Fit Person
Arulmigu Kaaliyamman Temple
Karuppur
(Office at)
Arulmigu kottai Mariyamman Temple
Salem Town.
- 31 Dr.K.B.Vidyasagar

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 6 and 18 to take suitable action as against the erring officials who failed to secure and safeguard the 30th respondent temple property situated in Survey No 163/1,7, 163/2 and 163/3 situated at Karuppur village, Omalur Taluk, Salem District and consequently issue direction to the 18th respondent to take appropriate steps in secure and safeguard and restore the said properties in favour of 30th Respondent temple by considering my representation dated 8.9.2020.

For Petitioner : Mr.A.Radhakrishnan
Party-in-Person

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
Assisted by
Mr.V.Jayaprakash Narayanan
State Govt. Pleader
for respondents 1 to 17, 19
to 23 and 25 to 27

Mr.M.Karthikeyan
Govt. Advocate
for respondents 18, 28 & 29

Mr.T.M.Pappiah
Spl. Govt. Pleader
for respondent-24

Mr.V.Ayyadurai, S.C.
For Mr.V.B.Perumal Raj
for respondent-31

Mr Fenn Walter Asso.
for respondent-32

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ORDER
(Made by SENTHILKUMAR RAMAMOORTHY, J)

The writ petitioner complains about the issuance of patta in respect of properties owned by the Arulmigu Kaliasman Temple, Karuppur at Salem Town. The relief prayed for is to secure, safeguard and restore the properties of the temple.

2. Learned Additional Advocate General submits that the writ petitioner had earlier filed W.P.No.34281 of 2016 in respect of the same temple and had requested the Court to direct removal of encroachments by the respondents 10 and 11 therein. In the said writ petition, a Division Bench of this Court took note of the fact that the authorities concerned had initiated action in respect of the alleged wrongful issuance of patta and, on that basis, declined to delve further into the controversy and closed the writ petition. According to learned Additional Advocate General, the present writ petition constitutes re-litigation inasmuch as the proceedings before the District Revenue Officer concerned are pending adjudication.

3. The petitioner-in-person, on the other hand, submits that no action was initiated by the authorities concerned in terms of and pursuant to the order dated 01.11.2016 in W.P.No.34281 of 2016. He further requests that the present proceedings be kept pending because the statutory authorities would refuse to take action in case the present proceedings are closed.

4. Upon considering the rival contentions, it is noted that the allegations and counter allegations pertain to the issuance of pattas to respondents 31 and 32 herein. Needless to say, disputed questions of fact would arise for consideration in deciding as to whether the pattas were validly issued or not and such matters should be left for adjudication in an appropriate forum. In the case on hand, proceedings are said to be pending before the District Revenue Officer. Consequently, the grievance canvassed by the writ petitioner herein would be substantially resolved if such officer is directed to dispose of the pending proceedings within a reasonable time frame.

5. Consequently, without considering the merits of the rival submissions, the District Revenue Officer, Salem, 20th respondent herein, is directed to dispose of the pending proceedings relating to the properties of Arulmigu Kaliasman Temple, Karuppur, Salem Town, by a speaking order, within a period of three months from the date of receipt of a copy of this order. There will be no order as to costs. As a consequence, WMP No.23439 of 2020 is closed.

sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

kpl

To

- 1 The Chief Secretary to Government
Secretariat, Chennai 600 009.
- 2 The Vigilance Commissioner
Secretariat, Chennai 600 009.
- 3 The Secretary to Government
Public (Special A) Department
Secretariat, Chennai 600 009.
- 4 The Secretary to Government
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Secretariat, Chennai 600 009.
- 5 The Secretary to Government (Training)
Personnel and Administrative Reforms Department
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- 6 The Secretary to Government
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- 7 S.K.PRABAKAR
Secretary to Government
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- 10 The Secretary to Government
Tourism Culture and Endowments Department
Secretariat, Chennai 600 009.
- 11 The Director
Vigilance and Anticorruption Department
Alandur, Chennai 600 016.
- 12 The Director General of Police
Kamarajar Salai, Chennai 600 004.

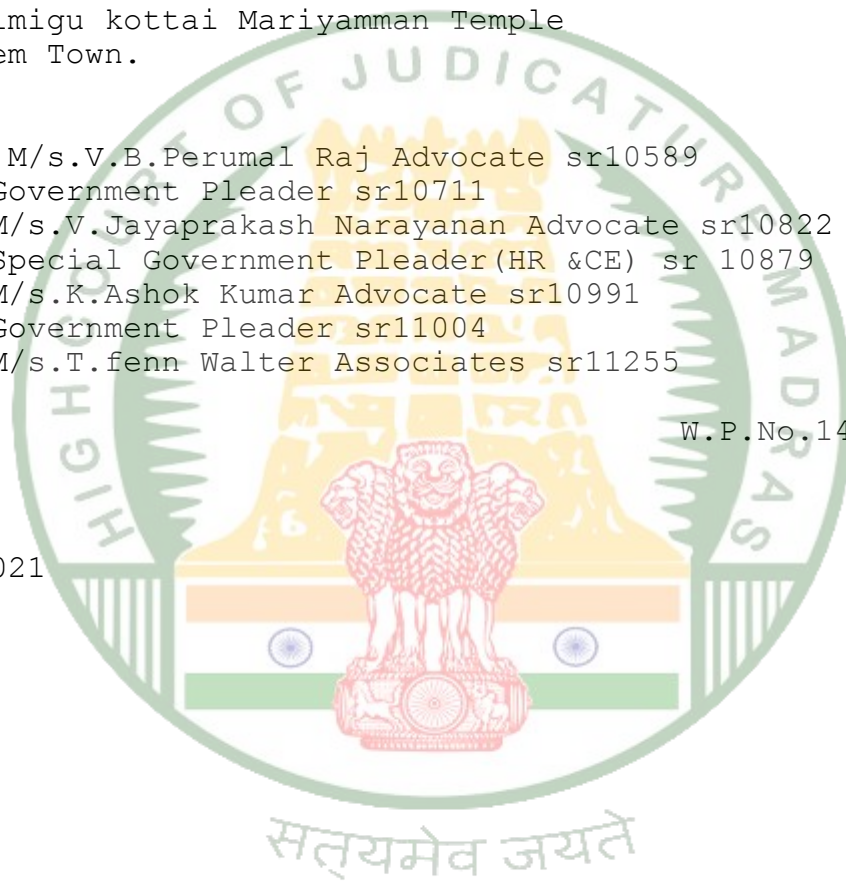
- 13 The Commissioner of Revenue Administration
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Arulmigu Kaaliyamman Temple
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Salem Town.

+3 ccs to M/s.V.B.Perumal Raj Advocate sr10589
+1 cc to Government Pleader sr10711
+1 cc to M/s.V.Jayaprakash Narayanan Advocate sr10822
+1 cc to Special Government Pleader(HR &CE) sr 10879
+1 cc to M/s.K.Ashok Kumar Advocate sr10991
+1 cc to Government Pleader sr11004
+1 cc to M/s.T.fenn Walter Associates sr11255

W.P.No.14244 of 2020

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