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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.27199 OF 2021

A.Radhakrishnan

... Petitioner

.Vs.

1. The Secretary to Government,
Tourism Culture & 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 Commissioner,
Hindu Religious & Charitable Endowments,
119, Nungambakkam High Road,
Chennai - 600 034.
5. The Chief Auditing Officer,
Hindu Religious and Charitable Endowments,
119, Nungambakkam High Road,
Chennai - 600 034.
6. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 60 005.
7. The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
8. The Commissioner of Survey and Settlements,
Chepauk,
Chennai - 600 005.



9. The Inspector General of Registrations,
100, Santhome High way,
Chennai - 600 025.

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10. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai - 600 008.

11. The Corporation Commissioner
Chennai - 600 003.

12. The Chairman cum Executive Manager,
Tamil Nadu Generation and Distribution Corporation,
144, Anna Salai,
Chennai - 600 002.

13. The Commissioner of Police,
Vepperi,
Chennai - 600 007.

14. The District Collector,
Chennai.

15. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Chennai South.

16. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Kancheepuram.

17. The Executive Officer,
Arulmigu Kothandaramar Thirukoil,
Nandambakkam,
Alandur,
Chennai - 600 016.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 4 to 16 take appropriate steps to secure and safeguard the 17th respondent temple properties and also issue direction to ensure the better administration of 17th respondent to avoid any loss in future by considering petitioner representation dated 23.08.2021 and 25.11.2021.



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For Petitioner : Mr.A.Radhakrishnan
For R1 to R16 : Mr.T.Chadrasedkaran
Special Government Pleader
[For HRNC]
For R17 : Mr.A.s.Sriram
For M/s.Kailasam and Associates

O R D E R

The relief sought for in the present writ petition is to direct the respondents 4 to 16 to take appropriate steps to secure and safeguard the 17th respondent temple properties and also issue direction to ensure the better administration of 17th respondent to avoid any loss in future by considering the petitioner's representation dated 23.08.2021.

2. The petitioner states that he is a Ardent devotee to the 17th respondent and he has involved himself to secure and safeguard the temple properties and restore the same for the benefit of the temple and the devotees coming to the temple for worship. The petitioner states that he filed writ petitions even on earlier occasions and frequently approaching the authorities to initiate further action as large scale illegalities and irregularities are occurring in dealing with the temple properties, jewelleryes, idols etc. The petitioner contends that there is mal administration in respect of the temple properties belongings etc. and he is frequently approaching the authorities for initiation of swift action and till date, no action has been taken. However, the earlier writ petitions filed are not connected with the issue now raised in the present writ petition.

3. The petitioner in person referred the proceedings of the Additional Chief Secretary/Commissioner, Revenue Administration dated 25.11.2021, wherein, the Commissioner, Revenue Administration addressed a letter to the District Collector, Chennai District, to coordinate with all concerned authorities and initiate action in respect of the allegations set out by the petitioner in his representation. The petitioner in person made a submission that inspite of the orders of the Commissioner of Revenue Administration, till today no action has been initiated and therefore, he is constrained to file the present writ petition.



4. The learned Special Government Pleader and the learned counsel appearing on behalf of the 17th respondent/Temple made a submission that already the allegations are under consideration and coordination is required for the purpose of initiation of further action and the authorities are taking steps to conduct an enquiry and verify the revenue records and initiate all appropriate actions for the purpose of restoring temple properties, belongings and to ensure that the administration of the temple runs properly.

5. The petitioner in person further contents that the temple possess vast extent of land measuring about 150 acres, which all are highly valuable as of now and the miscreants are going on creating documents in a fraudulent manner and attempting to grab the temple properties in one way or the other. It is further contended that the land grabbers are creating many bogus documents to ensure that the actions taken are not fructified and they are able to claim ownership or possession in respect of all those temple properties under their control.

6. This Court is of the considered opinion that the effort requires verification of revenue records, documents and the claims of the 3rd parties. Thus, enquiry is to be conducted in respect of those properties, revenue records in original must be verified with the assistance of the revenue authorities and the persons who all are claiming the ownership or title and the documents available with them are also to be looked into and thereafter, all further actions are to be initiated for restoration of those properties, if it is identified that such properties stand in the name of the temple. Such efforts requires some more time for the authorities.

7. The learned Special Government Pleader reiterated that the Commissioner of Revenue Administration addressed a letter to the District Collector on 25.11.2021 and the copy of the same was communicated to the Commissioner, HR&CE Department and to the other concerned Departments. Thus, the co-ordination between the Departments are necessary for the purpose of restoration of temple properties by conducting an elaborate enquiry.

8. In view of the facts and circumstances, this Court is inclined to direct the respondents 1 to 16 to extend co-ordination for the purpose of verification of the documents, revenue records etc. and ascertain the facts and circumstances by collecting the documents and thereafter, initiate all



appropriate actions for recovery of the properties and for initiation of further actions against the offenders by following the procedures as contemplated under law. The respondents 1 to 16 are directed to convene a meeting of their respective responsible officials so as to conduct a discussion with reference to the mode of actions to be initiated by following the procedures within a period of six weeks from the date of receipt of a copy of this order and thereafter continue the actions by following the procedures as contemplated under law. It is made clear that consistent actions are imminent so as to ensure that the grievances of the temple is addressed and resolved.

9. With these directions, the Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

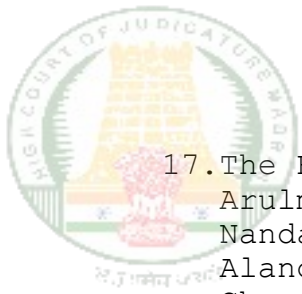
Jeni/Cse

To

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+20ccs to Mr.A.Radhakrishnan, Party in person, S.R.No.68150
+1cc to the Government Pleader, S.R.No.68143

W.P.No.27199 of 2021

SPD(CO)
PM/29/12/2021