



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2730 of 2017

A.Radhakrishnan
Trustee,
Arulmigu Sugavaneswarar Swamy Temple,
Salem Town.

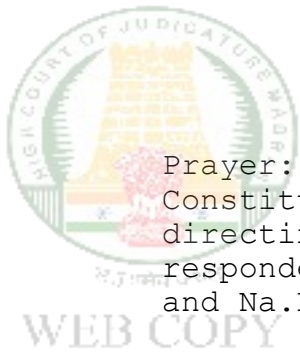
...Petitioner
(Party-in-Person)

vs.

1. The District Collector,
Salem District, Salem.
2. The Sub Divisional Executive Magistrate/Sub Collector,
Mettur,
Salem District.
3. The Deputy Inspector General of Police,
Salem Range,
Salem - 636 007.
4. The Assistant Director,
Survey and Settlements,
Salem - 636 001.
5. The Tahsildar,
Omalur Taluk,
Salem District.
6. The Special Tahsildar,
Temple Lands,
Arulmigu Kottai Mariamman Temple Campus,
Salem - 636 001.
7. The Deputy Superintendent of Police,
Omalur,
Salem District.
8. The Assistant Commissioner/Executive Officer,
Arulmigu Sugavaneswarar Swamy Temple,
Salem-1.

...Respondents

(R8 suo-motu impleaded vide order dated
19.07.2021 made in W.P.No.2730 of 2017)



Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 to 7 to implement the proceedings of respondents 1 and 2 in Na.Ka.No.26719/2014 E5 dated 18.10.2016 and Na.Ka.No.939-2016-C dated 01.11.2016 respectively.

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

For R1 to R5 and R7 : Mr.P.Baladhandayutham
Special Government Pleader

For R6 : Mr.T.Chezhiyan
Additional Government Pleader

For R8 : Mr.K.Sakthivel

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents 4 to 7 to implement the proceedings of respondents 1 and 2 in Na.Ka.No.26719/2014 E5 dated 18.10.2016 and Na.Ka.No.939-2016-C dated 01.11.2016 respectively.

2. The case of the petitioner is that the temple called Arulmigu Sendraya Perumal Thirukoil, situated at Pagalpatty Village, Omalur Taluk, Salem District, has vast extent of lands and the same has to identify for the welfare of the said temple. To identify the said temple lands, the petitioner approached the Revenue Officials and also made so many representations. The 1st respondent conducted enquiry and passed order on 18.10.2016 to find out the said temple properties and directed the 2nd to 7th respondents to comply the said order. The 2nd respondent also convened meeting and passed order on 01.11.2016 and directed the 4th, 5th and 8th respondents to take appropriate action to identify the said temple lands. However, they did not take any steps, even to identify the said temple lands.

3. While pending the writ petition, the 8th respondent has been impleaded and filed counter affidavit dated 21.09.2021, revealed that the proceedings initiated by the 1st and 2nd respondents to identify and retrieval of the lands belonging to the said temple, which was bequeathed by the settlers in the year 1900 and 1925 by the family of Krishnasamy Naicker and Soundraraja Mudaliar.

4. While pending the writ petition, this Court by an order dated 19.07.2021 directed the 1st respondent to conduct meeting



and shall draw a schedule to retrieve the said temple lands and file a report. The 1st respondent filed a status report dated 14.08.2021, revealed that the 8th respondent submitted the details of the lands belong to the temple comprised in 63 survey numbers with patta number, extent and pattadhar details who holds these lands and in this regard statement was also recorded from the officials. Accordingly, the properties are categorised as three parts. The property ad-measuring 136.56 acres stood in the name of the 8th respondent/temple, is categorised as Part-1. The property ad-measuring 81.89 acres categorised as Part-2. The 8th respondent have taken steps to retrieve the lands in favour of the temple and appeals are pending before the District Revenue Officer, Salem in respect of the lands ad-measuring 77.86 acres and in respect of the lands ad-measuring 4.03 acres which were given service inam lands. Insofar as land ad-measuring more than 100 acres categorised as Part-3 as per the settlement deed which was executed in favour of the 8th respondent/temple, were occupied by the private persons. Therefore, the 8th respondent could not able to identity the said properties with proper survey numbers.

5. Therefore, this Court by an order dated 31.08.2021 directed the 1st, 4th and 6th respondents to verify the records produced by the 8th respondent/temple to find out the survey numbers and villages which are correlated to the paimash numbers produced by the 8th respondent. After the interim direction issued by this Court, finally the 1st respondent filed compliance report today. Accordingly, they identified the land ad-measuring 68 acres situated at Pagalpatti Village, Omalur Taluk in Patta No.2. It stood in the name of the 8th respondent/temple and it is a cultivable land. They identified another land ad-measuring 62.86 acres situated at Sellapillaikuttai Village, Omalur Taluk, stood in the name of the 8th respondent/temple in Patta Nos. 1 and 6, it is also cultivable land. Another property ad-measuring 5.73 acres situated at Sellapillaikuttai Village, Omalur Taluk, stood in the name of the Arulmigu Paagalpatti Bujangeeswarar Swami Temple in Patta No.7 also identified and found that it is a cultivable land. Thus, the total extent of land ad-measuring 136.49 acres stood in the name of the 8th respondent/temple under cultivation.

6. In respect of appeals filed by the 8th respondent with regard to 63 patta issued in the name of individuals are pending. The old and new revenue records from the year 1937 to till date have been correlated and identified some of the properties vide Document No.1986/1925 were correlated with the properties which are under appeals filed by the 8th respondent.

7. Considering the same, the District Revenue Officer, Salem is directed to consider the appeals filed by the 8th respondent



and after giving opportunity of hearing to the 8th respondent and counter parties, if any, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The 1st, 4th and 6th respondents are directed to take joint inspection as per the records produced by the 8th respondent/temple to identify the properties situated in seven villages viz., Omalur, Pachanampatti, Kottamettupatti, Sikkampatti, Vellakalpatti, Kottagoundanpatti and Sellapillaikuttai in respect of 65 items of the subject properties and take appropriate steps to retrieve the properties belonging to the 8th respondent/temple, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Salem District, Salem.
2. The Sub Divisional Executive Magistrate/Sub Collector,
Mettur,
Salem District.
3. The Deputy Inspector General of Police,
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Salem - 636 007.
4. The Assistant Director,
Survey and Settlements,
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5. The Tahsildar,
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6. The Special Tahsildar,
Temple Lands,
Arulmigu Kottai Mariamman Temple Campus,
Salem - 636 001.



7. The Deputy Superintendent of Police,
Omalur,
Salem District.

8. The Assistant Commissioner/Executive Officer,
Arulmigu Sugavaneswarar Swamy Temple,
Salem-1.

Copy to

The District Revenue Officer,
Salem District.

+1cc to Mr.K.Sakthivel, Advocate, S.R.No.64283

+1cc to the Government Pleader, S.R.No.64810

+1cc to the Government Pleader, (HR&CE) S.R.No.64737

W.P.No.2730 of 2017

KV(CO)
RGA(23/12/2021)