



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10178 of 2021

WEB COPY

D.Ramesh

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul.

3.Arulmigu Dhandayuthapaniswamy Thirukovil,
Rep. by its Executive Officer/ Joint Commissioner,
Palani-624 601,
Dindigul District.

4.The District Collector,
Trichy District, Trichy.

5.The Revenue Divisional Officer,
Trichy, Trichy District.

6.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

7.Govindammal

8.R.Govindarajulu

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to take action on the petitioner's representation dated 26.03.2021 requesting the respondents 1 to 3 to recover the property bearing S.No.91/2 measuring 1 acre 45 cents of Ellakudi Village, Thiruverumbur Taluk, Trichy District from the 8th respondent and requesting the respondents 4 to 6 to restore patta for the above property in the name of the third respondent temple.



For Petitioner : Mr.N.C.Ashok Kumar
For R-1, R-2, R-4
to R-6 : Mr.M.Lingadurai,
Government Advocate (Civil)
For R-3 : Mr.V.R.Shanmuganathan

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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to act upon the representation made by the petitioner on 26.03.2021, wherein, the petitioner has sought for recovering the property belonging to the third respondent Temple and to restore the patta in the name of the Temple.

2. The petitioner claims to be a devotee of the third respondent Temple. The grievance of the petitioner is that the property belonging to the third respondent Temple has been grabbed by the private respondents and they have also obtained patta for the same. The petitioner has made a representation in this regard to the respondents on 26.03.2021 to recover the properties and to restore the patta in the name of the Temple. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.N.C.Ashok Kumar, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate (Civil) appearing for the respondents 1, 2 and 4 to 6 and Mr.VR.Shanmuganathan, learned counsel appearing for the third respondent.

4. In the considered view of this Court, the recent Division Bench Judgment of this Court in *Suo Motu W.P.No.574 of 2015* and *W.P.(MD).No.24178 of 2018*, dated 07.06.2021 had issued a slew of directions. For the purpose of this case, clause 35 of the Judgment can be resorted to and for proper appreciation, the same is extracted hereunder:-

"35.The encroachment and illegal constructions in the protected area, archaeological sites, temple lands, etc., must immediately be removed. The extent of lands owned by the temples must be identified with the help of the revenue department by the District Level Committee. The District Collector of the appropriate District, on the request of the Heritage Commission or State Committee or District Level Committees or by any officer of the HR & CE Department, shall forthwith take steps for the removal of any such illegal construction or encroachment or unauthorised occupants.



Appropriate action must be taken against the errant Government Officials of the Central as well as State Department and Officers under the HR&CE Department for not removing the encroachments in the protected and regulated area, within a period of eight (8) weeks on expiry of the time given."

5. In view of the above, it is not necessary for this Court to once again issue a direction to the respondents in this Writ Petition, more particularly, since the Judgment of the Division Bench covers all the Temples across Tamil Nadu and the respondents are expected to comply with those directions by taking necessary action to remove the encroachment and recover the property of the Temple.

6. In view of the above, there shall be a direction to the second respondent to immediately initiate action and place the complaint before the fourth respondent, within a period of four (04) weeks from the date of receipt of a copy of this order. The fourth respondent on receipt of the same shall comply with the Judgment of the Division Bench and take necessary action within a period of eight (08) weeks thereafter.

7. The petitioner is directed to make a fresh representation / complaint to the second respondent along with all the relevant documents. A copy of the representation shall be marked to the third and fourth respondents.

8. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:-

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
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3.The District Collector,
Trichy District, Trichy.

4.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

5.The Revenue Divisional Officer,
Trichy, Trichy District.

+1 CC to M/s.SPL GP (SR-19889[F] dated 22/06/2021)

+1 CC to M/s.N.C.ASHOKKUMAR, Advocate (SR-19846[F] dated 22/06/2021)

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