



WEB COPY

W.P.(MD)No.3699 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.3699 of 2019

K.K.Ramesh

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Registration Department,
Secretariat, Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Hindu Religious and Charitable Endowments Department,
Secretariat, Chennai - 600 009.
- 3.The State of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Secretariat, Chennai - 600 009.
- 4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
- 5.The Director General of Police,
Dr.Radhakrishnan Street,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents,

A) To publish the Sthala-puranam (Legendary History of Temple), Temple timings of devotees entry and exit, Pooja name, Pooja timing, Pooja cost, lands, shops and Commercial Complex, Marriage Hall, Lodging House and other immovable properties belonging to the Temple, number of employees and Priests working in the Temple on internet through a Special Website for all temples individually in Tamil Nadu.

B) To collect Donations, Dharsan Ticket, Hundi Rent, Lease only by online payment methods or through direct bank account.

<https://hcservices.ecourts.gov.in/hcservices/>



C) To stop the temple properties including idols name to private party by changing Patta/Title Deeds.

D) To set up 24 x 7 CCTV Camera, theft alarm and safety locker in all Temples of Tamil Nadu,

by considering the the petitioner's representation, dated 18.01.2019.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this *pro bono* seeking the following directions:-

'A) To publish the *Sthala-puranam* (Legendary History of Temple), Temple timings of devotees entry and exit, Pooja name, Pooja timing, Pooja cost, lands, shops and Commercial Complex, Marriage Hall, Lodging House and other immovable properties belonging to the Temple, number of employees and Priests working in the Temple on internet through a Special Website for all temples individually in Tamil Nadu.

B) To collect Donations, Dharsan Ticket, Hundi Rent, Lease only by online payment methods or through direct bank account.

C) To stop the temple properties including idols name to private party by changing Patta/Title Deeds.

D) To set up 24 X 7 CCTV Camera, theft alarm and safety locker in all Temples of Tamil Nadu.'

2.On the relief sought for, a counter affidavit has been filed by respondent No.4 stating the steps taken along with those which are likely to be taken. The relevant paragraphs in the counter affidavit are extracted hereunder:-

''(c) Accordingly, Identification and Scrutiny Committee have been constituted for 37,986 Temples. The said Committees have identified the properties of 9,793 temples, 1,66,633.30 Acres of lands have been identified by the Committee so far. Details of 3,992 temples have been scrutinised by the Scrutiny committee. The Identification Committee have identified 10,710 encroachments and 5,222



number of 3rd persons encroachments. Necessary action being taken under Section 78 of the Act to evict the encroachers.

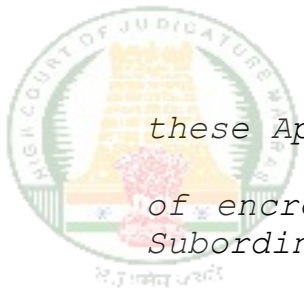
(d) It is also submitted that based on the above exercise, 42,818 Demand Notices were served on the Lessees / Tenants / Other Occupants who failed to remit their dues to the tune of Rs.297.63 Crores. Out of them, 14026 Lessees / Tenant / Other Occupants remitted their dues to the tune of Rs.32.49 Crores. The Subordinate officers were also advised to take appropriate steps to collect the balance of the arrears from the defaulters and to initiate necessary legal action if they failed to comply.

(e) It is submitted that the date regarding the details of encroachments in the temple lands are collected from the Subordinate Officers every month in a periodical and complied.

(f) It is ascertained from the reports of the Subordinate Officers that action under Section 78 of the Act, has been initiated against 11258 encroachers covering an extent of 3918.74 Acres and Civil Suits are initiated against 1364 encroachers were pending before various Courts covering an extent of 1241.07 Acres. It is submitted that action is also being taken to initiate legal action against 8627 encroachers covering an extent of 2997.92 Acres. Necessary instructions are issued in this regard to the Subordinate Officers of this Department. In the last 10 years, 3172.62 Acres of land, 607 Grounds, 1698 sq.ft. of Manai and 293 Grounds, 937 sq.ft. of Buildings have been recovered from the encroachers and possession restored with temples.

(g) Meanwhile, the Subordinate Officers are instructed to upload the approved property registers of the religious institutions in the Departmental Website. So far, property registers of nearly 12,297 temples have been uploaded in the Departmental Website.

(h) Apart from the above exercise, the Executive Authorities of the Temples were also instructed to compare the properties in their property register or any other documents available with them, along with the Revenue Department Land details available in Tamil Nilam Data Base. A separate interface also created by the NIC and temple wise comparison work was carried out by the temple authorities. It is also submitted that as on 31.12.2020, total extent of 5,20,759 Acres of temple lands are verified the Tamil Nilam Data Base. Further, filing of Appeal Petition before the appropriate Revenue Authorities in respect of unmatched survey numbers and verifying new records (i.e., property in the name of temple in Revenue Record but no record available with temple) was ordered and it is also under progress. As per these exercise, so far, 21,301 Appeal Petitions have been filed by the Temple Authorities before the Revenue Department and the enquiry on



these Appeals are in progress.

(i) It is submitted that the data regarding the details of encroachments in the temple lands are collected from the Subordinate Officers every month in a periodical and collated.

(j) It is submitted that during the UDR Scheme, Patta of temple lands measuring an extent of 36266.64 Acres have been transferred in the name of individuals. The temple authorities have filed 12174 appeal petitions covering an extent of 31147.54 Acres of lands before the District Revenue Officers for restoration of Patta in the name of temples. Orders have been passed in 2271 appeal petitions covering an extent of 8900.03 Acres of lands, cancelling the Pattas issued in the name of individuals.

(k) It is further submitted that the Department has identified that name of the owners of the properties belonging to the 2078 temples covering an extent of 9338.55 Acres of lands have been changed in the name of individuals in Computer Chitta. 1718 temples have filed Appeal Petitions covering an extent of 7981.37 Acres of lands before the competent authority for change of name in the Computer Chitta and orders were issued in the appeal petitions filed by 184 temples covering an extent of 805.66 Acres of lands.

(l) It is submitted that 4865 cases were filed before the Revenue Courts and 809 cases were filed before Civil Courts for recovery of lease arrears.

(m) It is submitted that the Department has created a property module to upload the property details of the temples. Meanwhile, the Subordinate Officers are instructed to upload the approved property registers of the religious institutions in the Departmental Website. So far, property registers of nearly 12,297 temples have been uploaded in the Departmental Website.

(n) It is submitted that DCB module is being created in which temple wise DCB will be uploaded. Unique ID number has been given to each property and each lessee. The same has been linked with DCB module. Details of lessees have been collected in the Know Your Tenant [KYT] form and the same has been linked with the DCB module of the temple.

(o) It is submitted that further, in the year 1972, Register containing 15 forms with details of lands, buildings, sites, lessees etc., were prepared by the Department by appointing Deputy Collector (Retd.). The action is being taken to digitalise the above register. It is proposed to digitalise the old Property Registers and preliminary reports of each temple available in the Record Room after getting permission from the Government. The details of properties available in the old Property Registers and preliminary reports will be compared with the new Property Registers. If there is any discrepancies necessary action will be taken to



rectify the same.''

3.From the above, we could understand that the immovable property details of each and every temple within the purview of the H.R. & C.E. Department is sought to be uploaded by creating a property module. The process of uploading shall include those particulars, including the extent and nature of the property, the person, who is in occupation at present, the nature of occupation, the revenue augmented thereunder, pending litigations if any and the action proposed to be taken and the yearly income and expenditure of a temple shall also find place.

4.When we raised a query, the learned Special Government Pleader appearing for the respondents submitted that to complete the process as aforesaid, sufficient time would be required. The learned Special Government Pleader submitted that at least 10 months time may be granted.

5.On perusal of the counter affidavit filed, we are satisfied with the steps taken on various issues. However, the uploading of the necessary particulars as indicated above, would go a long way in public interest. Apart from protecting the immovable properties of the Temple, the general public will be able to know the nature of the property, which is in the hands of third parties. This aspect will have to be given priority. Though the learned Special Government Pleader sought 10 months time, we deem it appropriate to grant 8 months time to complete the aforesaid process. Thereafter, an affidavit of compliance will have to be filed.

6.This Writ Petition stands disposed of accordingly. No costs.

List the matter for reporting compliance in the **first week of January, 2022.**

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Secretary to Government of Tamil Nadu,
Registration Department,
Secretariat, Chennai - 600 009.

2.The Secretary to Government of Tamil Nadu,
Hindu Religious and Charitable Endowments Department,
Secretariat, Chennai - 600 009.

3.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 600 009.

4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 34.

5.The Director General of Police,
Dr.Radhakrishnan Street,
Chennai.

Copy to
The Section Officer,Writ Section,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD)No.3699 of 2019

17.02.2021

ns (CO)
TR(24.02.2021) 6P 7C