



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.15421 of 2021

and

W.M.P(MD) .No.12329 of 2021

WEB COPY

Sri Kumbahareswarar Swami Devasthanam,
The Dharmapuram Adheenam,
Rep. by its Adheena Karthar,
Sri-La-Sir Masilamani Desigha Gnanasambanda
Paramachariar,
Tirubhuvanam, Tanjore District.

... Petitioner

Vs.

1. The Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai - 34.
2. The District Collector
Tanjore District, Tanjore.
3. The District Revenue Officer cum
Competent Authority,
Thiruvarur District.
4. The Joint Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Tanjore District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to pass orders on the petitioner's statutory application dated 15.08.2021 and consequently forbear the respondents or their subordinates from taking coercive action against the petitioner temple pending such determination.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.P.Subbaraj,
Counsel for State



O R D E R

The petitioner seeks the expeditious disposal of the application dated 15.08.2021 to the District Revenue Officer.

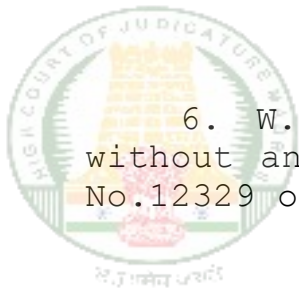
WEB COPY

2. The petitioner states that it owns 5 Acres and 35 Cents in Survey No.74/4, Melramansethi Village, Kodavasal Taluk. It is stated that such land has been in the possession and enjoyment of the temple for a considerable period of time. Originally, it is stated that the temple was shown as the owner of the relevant land in the revenue records and in the village accounts. The petitioner cites the village 'A' Register in this regard. It is alleged that the respondents have attempted to forcibly enter the temple and uproot the trees thereon. It was only thereafter that the petitioner came to know that the revenue records currently reflect the said lands as Government lands. The statutory application was filed in the above circumstances on 15.08.2021. The petitioner also seeks interim protection before the application is decided.

3. Mr. P. Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's application may be considered and disposed of on merits.

4. The documents on record include the village 'A' Register which reflects the name of the temple in respect of Survey No.73/4. The petitioner states that the revenue records were changed subsequently. From the documents on record, it is unclear as to when such change was effected. There is nothing on record to show that there is an imminent threat of dispossession. Nonetheless, on the basis of documents on record, the petitioner is entitled to expeditious disposal of the pending application. In addition, in the event there is a threat of dispossession, it will always be open to the petitioner to file an appropriate application before the third respondent.

5. Subject to the above observations, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's application dated 15.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and any other persons who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.



6. W.P(MD).No.15421 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD).No.12329 of 2021 is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai - 34.
2. The District Collector
Tanjore District, Tanjore.
3. The District Revenue Officer cum
Competent Authority,
Thiruvarur District.
4. The Joint Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Tanjore District.

+1 CC to M/s.SPL GP (SR-27767[F] dated 01/09/2021)

W.P. (MD)No.15421 of 2021
31.08.2021

PS(CO)
SB(08.09.2021) 3P 6C