



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)No.21140 of 2021

A.Rajendran

... Petitioner

vs.

- 1)The District Collector,
O/o. The District Collector,
Thanjavur.
- 2)The District Revenue Divisional Officer,
O/o. District Revenue Divisional Officer,
Thanjavur.
- 3)The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Pattukkottai.
- 4)The Special Tahsildar (Adi Dravidar Welfare),
Taluk Office,
Pattukkottai Taluk,
Thanjavur District.
- 5)The Tahsildar,
O/o. The Revenue Tahsildar,
Peravoorani (Taluk),
Thanjavur District-614 804.
- 6)The Executive Officer,
Sri Baladhandayuthapani Swamy Thirukovil Madam (TM014874),
Thennangudi (North),
Peravoorani (Taluk),
Thanjavur District-614 804.
Camp office at:
Sri Neelakanda Pillaiyar Thirukoil, Aendhal.
- 7)The Village Administrative Officer,
Maavadukurichchi Village,
Peravoorani Taluk,
Thanjavur District-614 804.

... Respondents



Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to remove the encroachments made in the petitioner Thirukoil's land property in Survey No.257/11 situated at Maavadukurichchi East, Peravoorani Taluk, Thanjavur District since the land was acquired illegally by the Adi Dravidar Welfare Department without obtaining any No Objection Certificate from the Commissioner of H.R and C.E. Department and thereby transfer the Free House Patta stands in the name of the encroachers to the name of petitioner Thirukoil i.e. Sri Baladhandayuthapani Swamy Thirukovil Madam (TM014874) based on the petitioner's representation dated 31.10.2020 made to the respondents within the time limit that may be stipulated by this Hon'ble Court.

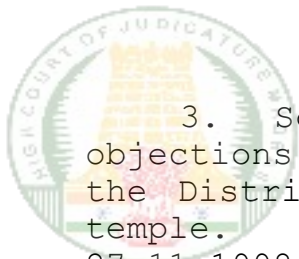
For Petitioner : Dr.Ramesh Mahadev
For R1 to R5
& R7 : Mr.B.Saravanan
Government Advocate
For R6 : Mr.V.R.Shanmuganathan

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

This Writ of Mandamus is filed by the petitioner, who is the erstwhile trustee of the 6th respondent temple. He has raised objection that the lands belonging to the temple have been acquired by the Government for the purpose of Adi dravidar housing under the Act 31 of 1978. It is his case that there was no prior permission or sanction under Section 31 of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959. Now, the Mandamus is sought for to remove the encroachments made in the temple property in Survey No.257/11 situated at Maavadukurichchi East, Peravoorani Taluk, Thanjavur District, which was acquired illegally by the Adi dravidar Welfare Department, without obtaining no objection certificate from the Commissioner, HR & CE.

2. The learned Government Advocate appearing for the official respondents would submit that as early as on 05.10.1998, 4(1) notification was issued in the Gazette, wherein, specifically Survey No.257/11 belonging to the 6th respondent has been mentioned and an extent of 0.45.0 hectares was intended to be acquired. Thereafter, an award was passed on 26.11.1998. In the proceedings of the Special Tahsildar, Adi-Dravidar Welfare, dated 10.12.1998, it has been specifically stated that the objections raised by the owner of the land are not acceptable and therefore, they were rejected by the District Collector in his proceedings Na.Ka.No.60648/98/M1, dated 24.09.1998.



3. So, from the above, it is clear that there had been objections raised by the 6th respondent which has been rejected by the District Collector and there was no further challenge by the temple. The award amount is also deposited as early as on 27.11.1998. Even as per the affidavit filed by the petitioner, there are about 22 beneficiaries issued with free house patta and though it is stated that those 22 beneficiaries are not deserving, as they own properties of their own, when all these proceedings were in the year 1998, the petitioner who claims to be the Trustee of the temple, has filed this writ petition claiming for removal of encroachment and moved this Court under Article 226 of the Constitution of India after two decades.

4. When the respondents have acquired the said lands in the manner known to law, following the procedure under the Act 31 of 1978, wherein, the petitioner also has participated, after more than two decades, he is moving this Court to remove the encroachment, as if, the ownership still vests with the 6th respondent temple.

5. We see no reason for issuing any direction, as the acquisition and the constructions made on the said lands are in pursuant to the land acquisition proceedings.

6. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

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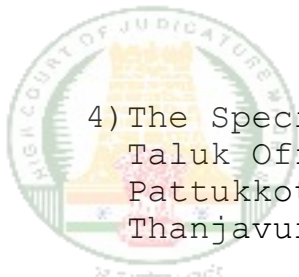
/ /2021

Sub Assistant Registrar(CS)

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To

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- 2)The District Revenue Divisional Officer,
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+1 CC to M/s.SPL GP (SR-36485[F] dated 30/11/2021)

ORDER MADE IN
W.P (MD)No.21140 of 2021
DATED : 29.11.2021

NSN(CO)
GC(07.12.2021) 4P 9C