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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.4741 of 2022

TKS Chandran

...Petitioner

Vs.

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Erode, Tamilnadu - 638 011.
2. The District Collector,
District Collectorate,
Erode, Tamilnadu - 638011.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Erode, Tamilnadu - 638011.
4. The Tahsildar,
Tahsildar Office,
Perundurai, Erode,
Tamilnadu-638011.
5. The Village Administrative Officer,
V.A.O, Majra Thandakavundanpalayam,
Thingalur, Perundurai Taluk,
Erode, Tamilnadu - 638055.

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue writ or an order or direction or more particularly a writ in the nature of Writ of Mandamus directing the respondents 2 to 5 to allot the land to an extent of 0.15 cents in survey No R.S.No.77/1 in the name of Arulmigu Shree Kathavarayan Swamy Temple Trust and permit the said trust to raise temple structure in the said land for the welfare of Arulmigu Shree Kathavarayan Swamy deity.

For Petitioner : Mr.T.S.Lavanesh

For Respondents : Mr.G.Nanmaran,

Special Government Pleader



O R D E R

Writ Petition has been filed to direct the respondents 2 to 5 to allot the land to an extent of 0.15 cents in survey No R.S.No.77/1 in the name of Arulmigu Shree Kathavarayan Swamy Temple Trust and permit the said trust to raise temple structure in the said land for the welfare of Arulmigu Shree Kathavarayan Swamy deity.

2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the respondents 1 to 5.

3. The case of the petitioner is that he is the president of the Arulmigu Shree Kathavarayan Swamy Temple Trust and the same is a registered religious trust vide Doc.No.2/BK4/2017, dated 10.07.2017 at Thingalur Sub-Registrar Office. Thereafter, the people belonging to the "Boyyar" community and the local people living in the Thingalur Village, had submitted written representation to the District Administration and the Hindu Religious & Charitable Endowments Department in order to provide permission and allot the land in the survey No.77/1 to construct a temple in the name of Arulmigu Shree Kathavarayan Swamy Temple. After the receipt of the letter, the 4th respondent forwarded the same to the 1st respondent for issuance of no objection certificate. However, the 1st respondent had clarified that the said land is not under their purview. Pursuant to which, the petitioner made a representation before respondents on 03.11.2021. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 2 to 4 to consider the petitioner's representation dated 03.11.2021, to allot the subject land in the name of Arulmigu Shree Kathavarayan Swamy Temple Trust and permit the said trust to raise temple structure in the said land and dispose of the same in accordance with law within the time stipulated by this Court.

5. The learned Special Government Pleader appearing for the respondents has no objection to the said order being passed.

6. The land in dispute in respect of the present case is not a private land and it is a Government land. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents 2 to 4 to



consider the petitioner's representations dated 03.11.2021, and pass appropriate orders on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

s/d-
Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

rgi/nhs

To

1. The Assistant Commissioner,
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Thingalur, Perundurai Taluk,
Erode, Tamilnadu - 638055.

+1 CC to The Government Pleader sr 15528

+1 CC to The Special Government Pleader (HR & CE) sr 14852

+2 Ccs to Mr.T.S.Lavanesh, Advocate sr 14358.

W.P.No.4741 of 2022

PA (CO)

SP (24/03/2022)