



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.NO.2756 OF 2022

AND

W.M.P.NO.2916 OF 2022

1. K.Madaiyan

2. Nethaji

... Petitioners

.Vs.

1. The Commissioner,
The Hindu Religious and Charitable
Endowment (Administration) Department,
Uthmar Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Dharmapuri, Dharmapuri District.

3. The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

4. Manickam

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioners village people dated 15.09.2021 in accordance with law, by giving Police protection to cultivate the land of Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District owned by Vellala Gounders and other minority communities of Nekkunthi Village, Bail Mariamman Temple devotees to secure the ends of justice.



WEB COPY

For Petitioners : Mr.R.Sankarasubbu
For R1 & R2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader
For R3 : Mr.C.Sathish
Government Advocate

ORDER

This Writ Petition is filed seeking for a direction to the respondents 1 and 2 to consider the representation of the petitioners village people dated 15.09.2021 in accordance with law, by giving Police protection to cultivate the land of Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District owned by Vellala Gounders and other minority communities of Nekkunthi Village, Bail Mariamman Temple devotees to secure the ends of justice.

2. Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioners; Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.C.Sathish, learned Government Advocate appearing for the 3rd respondent.

3. According to the petitioners, the land to an extent of 8 acres in Survey No.255/2, 3 at Nekkunthi Village, Nallampalli Taluk, Dharmapuri District belongs to the Bail Mariamman Temple. More than 2000 people and other minority communities are also worshipping the Bail Mariamman Temple over 100 years. The 2nd petitioner is the Hereditary Dharmakarthha and he is cultivating the 8 acres of temple land and utilising the income for conducting festivals of the temple. There is no dispute with regard to the administration of the temple. While so, the 4th respondent is interfering with the possession and the cultivation of the temple land by the 2nd petitioner. The 4th respondent is having muscle power and the 3rd respondent is supporting him. Thus, the village people gave representation dated 15.09.2021, addressed the Hon'ble Minister for the Hindu Religious and Chariatble Endowment Department with copy marked to the 1st respondent to conduct enquiry in this regard. Since the said representation was not considered, the petitioners have come out with the present Writ Petition.

4. The learned counsel appearing for the petitioners submitted that the 2nd petitioner is the cultivating tenant of temple land and the 4th respondent is interfering with the possession of the 2nd petitioner with muscle power and preventing



the 2nd petitioner from cultivating the land belonging to the temple and seeking Police protection to cultivate the land.

5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the 2nd petitioner is not a cultivating tenant and he has no right to cultivate the temple land. If the petitioners have any dispute with regard to the cultivation of land, they have to approach the Civil Court. He further submitted that the Executive Officer, Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District and the 2nd respondent are the authorities to deal with regard to the lease of the temple. Therefore, the petitioners may be directed to give fresh representation to the Executive Officer, Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District as well as the 2nd respondent and the same will be considered after hearing the petitioners, the 4th respondent and other parties concerned and orders will be passed within the time stipulated by this Court.

6. Considering the above materials and the fact that the petitioners' village people have sent representation to the Hon'ble Minister for the Hindu Religious and Charitable Endowment Department with copy to the first respondent, the petitioners are directed to give a fresh representation to the Executive Officer, Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District as well as the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the Executive Officer, Bail Mariamman Temple, Nekkunthi Village, Nallampalli Taluk, Dharmapuri District as well as the 2nd respondent are directed to consider the same and pass orders on merits and in accordance with law, after hearing the petitioners, the 4th respondent and other parties concerned, if any, within a period of four (4) weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rst



To

1. The Commissioner,
The Hindu Religious and Charitable
Endowment (Administration) Department,
Uthmar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Dharmapuri, Dharmapuri District.
3. The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

Copy To:-

The Assistant Registrar,
Writ A.E. Section,
High Court, Madras.

(Directed to issue certified copy
of this order after the requisite
Court Fee for each of the member of the
petitioners organization/association)

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.13685
+1cc to the Special Government Pleader, S.R.No.13718

W.P.NO.2756 OF 2022 AND
W.M.P.NO.2916 OF 2022

SKM(CO)
PBS/23/03/2022