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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18414 of 2012
and M.P.No.1 of 2012

Sri Periya Palayathamman Koil,
Represented by its trustee
V.S.Deenadayalan,
S/o of V.Sarangapani Naidu,
7, Bajanai Koil Street,
36, Karungali Village,
Pulicat Post, Ponneri Taluk,
Ponneri - 601205.

... Petitioner

Vs.

- 1.The President,
Koraikuppam Village,
Pulicat Post, Ponneri Taluk,
Ponneri - 601205.
- 2.The President,
Karungali Village,
Pulicat Post, Ponneri Taluk,
Ponneri - 601205.
- 3.The Block Development Officer,
Ponneri Taluk, Minjur Union.
- 4.The Tahsildar
Ponneri Taluk.
- 5.The District Collector,
Tiruvallur.
- 6.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur.

(R-5 & R-6 impleaded vide order dated 04.02.2022,
made in M.P.No.2/2012 in W.P.No.18414/2012 by SMSJ).



7.The Station House Officer,
E-4, Kattur Police Station,
Kattur, Ponneri Taluk.

8.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
(R-7 & R-8 impleaded vide order dated 04.02.2022,
made in M.P.No.1/2014 in W.P.No.18414/2012 by SMSJ).

9.C.Raji

10.R.Mahalingam

11.Mahendran

12.Ammavasai

13.E.Jesudoss

14.Desam

15.Chithiraivel

16.Desappan

17.Kumar

18.Vasantha

19.Anjalai

20.Balaji

21.Karthik

22.Munaf

23.Deivasigamani

24.Desam

25.Sampath

26.Kumar

27.Hanastraj



28.Savithiri

29.Yesudoss

30.Desamuthu

31.Shanmugam

32.Sheik Dhavuth

33.Mohammed Irfan

34.Abibullah

35..Mahesh

36.Rubavathi

37.Mahendran

38.Moorthy

39.Mohammed Eliyas

40..Chandrasekar

41.Dinesh

42.Desam

43.Saravanan

44.Selvam

45.Sudhakar

46.Kuppan

47.Anbu

48.Arumugam

49..Thanikachalam

50.Yuvaraj



51.Udayakumar

52.Raji

53.Desapattu

54.Rathinam

55.Mani

56.Mariyam Beevi

57.Dinesh

58.Savithiri

59.Jayapal

60.Sarasu

61.Desingu

62.Ramadoss

63.Raji

64.Sekar

65.Ravi

66.Desammal

67.Panjanathan

68.Jafar Ussain

69.Desingu

70.Chinnapaiyan

71.Doss

72.Gnanaprakash

73.Jayaprakash

74.M.Durai



75. Arasammal

76. Kannan

77. Durairaj

78. Kiliyammal

79. Ragu

80. Balaji

81. Selvam

82. Rajan

83. Durai

84. Rajini

85. Suresh

86. Saradha

87. Selvaraj

88. Shankar

89. Rajesh

90. Rajesh

91. Sudhakar

92. Sadhu

93. Nijammuyaidheen

94. Parthiban

95. Desingu

96. Velu

97. Vijayan



98.Suresh

99.Masila

100.Gowri

101.Samuvel

102.Beselve1

103.Rani

104.Gnanakumar

105.Vasu

106.Indhirani

107.Anandaraj

108.Silambarasan

109.Tamilarasan

110.Ajith

111.Ellappan

112.Jeeva

113.Sugumar

114.Ramki

115.Ranjith

116.Mabubasha

117.Baskar

118.Naresh

119.Naresh

120.Ashok

121.Vasanth



122.Durai

123.Viji

124.Parthiban

125.Lokesh

126.Vijayakumar

127.Saravanan

128.Kumaresan

129.Kugan

130.Kamsarani

131.Arul

132.Srinivasan

133.Vinoth

134.Ayyadurai

135.Gokul

136.Saravanan

137.thangavel

138.Dinesh

139.Raji

140.Rajkumar

141.Raja

142.Nagalingam

143.Desappan

144.Kumar



145.Arulpandi

146.Pradeep

147.Kuppan

148.parvathi

149.Illamalli

150.Parthinan

151.Balu

152.Vishal

153.Jayapal

154.Gajendran

155.Appu

156.Kamesh

157.Sathish

158.Mohan

159.Shanmugam

160.Indian

161.Vinith

162.Vellaiyammal

163.Sumathi

164.Rajkumar

165.Rajendran

166.Chinnarasu

167.Babu

168.Vignesh



169.Ramesh

170.Krishnan

... Respondents

(R-9 to R-170 impleaded vide order dated 04.02.2022, made in W.M.P.No. 16120/2017 in W.P.No.18414/2012 by SMSJ).

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from interfering with the possession of the lands and lands belonging to the petitioner in [S.No.38](#) and 39 situated in Karungali Village, Pulicat Post, Ponneri Taluk, Ponneri.

For Petitioner : [Mr. M. Saravana](#) Kumar
for Mr.I.Abrar Mohamed Abdullah

For Respondents: Mr. M. Rajendiran [R1 to R8]
Additional Govt. Pleader
Mr. C. Prakasam [R9 to R 170]

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from interfering with the possession of lands belonging to the petitioner in [S.No.38](#) and 39 situated in Karungali Village, Pulicat Post, Ponneri Taluk, Ponneri.

2. The petitioner is Periya Palayathamman Koil, represented by its trustee. The petitioner Temple is in possession of the land in Survey Nos. 38 and 39 of Karungali Village by way of settlement and is classified as Ryotwari lands, which was introduced in the village in the year 1958. The subject property is in possession and management of the petitioner Temple for the past about 50 years and has been used for temple activities and to conduct temple functions and religious activities. Patta has been issued in the name of the petitioner Temple in patta no.43 and A-Register contains entries in the respective Survey nos. 38 and 39 in the name of the petitioner temple.

3. The learned counsel for the petitioner made a submission that some miscreants are attempting to encroach upon the Temple property and the Authorities have not initiated appropriate actions. He further states that during the relevant point of



time the president of the Panchayat was also involved in such illegal activities and therefore, the petitioner is constrained to move the present Writ Petition.

4. The Tahsildar, Karungali filed a counter affidavit admitting the fact that the subject property belongs to the temple and paras 8 and 9 of the counter affidavit are relevant in this regard and extracted hereunder:

"8. With regard to para 5 and 6 of the affidavit, it is submitted that no demarcation was made in the said land. Though the land stands in the name of Arulmigu Periya Palayathamman Temple, it was not controlled by HR & CE Department. Hence, the The Deputy Inspector General Commander, Headquarters No.5 (TN & PCY), Fort St. George, Chennai.9 applied to the District Collector, Thiruvallur on 11.01.2012 requesting to allot the said land in favour of Indian Coast Guard for infrastructure development. On receipt of the representation, a notification was published inviting objections for allotment of the said land to Indian Coast Guard. No objections were received from any quarter for allotting the said land to Indian Coast Guard.

9. It is submitted that the land in Survey No.38 and 39 of Karungal Village, Ponneri Taluk, Tiruvallur District to an extent of 9.38 acres and 6.13 acres respectively stands in the name of Arulmigu Periya Palayathamman Koil in Patta No.1. Though the land stands in the name of Arulmigu Periya Palayathamman Temple, it was not controlled by HR & CE Department. At this stage, Mr. V.S. Deenadhayalan sent representation to the Hon'ble Chief Minister on 19.07.2012 stating that somebody is trying to grab the land and it is pertinent to state the Fishermen residing at Koraikuppam, Thangalperubulam Panchayat, Ponneri Taluk, Thiruvallur. District sent representations to the District Collector, Thiruvallur for allotment of the said lands for their use since they are affected by Tsunami. At this stage, the Indian Coast Guard has applied to the District Collector, Thiruvallur on



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11.01.2012 requesting to allot the said land in favour of Indian Coast Guard for infrastructure development. On receipt of the representation, a notification was published inviting objections for allotment of the said land to Indian Coast Guard. No objections were received from any quarter for allotting the said land to Indian Coast Guard. Accordingly, action was taken to allot the said land to and in favour of Indian Coast Guard after getting the amount as per the valuation mentioned in Guideline Register. This respondent has forwarded his recommendations on 11.02.2012 to the District Collector, Thiruvallur along with entire files for allotment of the said land to Indian Coast Guard. Therefore the above Writ Petition is not maintainable and liable to dismissed."

5. In view of the fact that, on verification of the revenue records, the Tahsildar filed a counter stating that the subject property belongs to the petitioner temple, then the petitioner is entitled for the relief. Accordingly, the respondents are restrained from interfering with the peaceful possession of the subject property from the petitioner without following the due process of law. In the event of any dispute regarding the ownership or title, then the parties claiming ownership have to approach the Competent Civil Court of Law for adjudication of issues with reference to the documents and evidences.

6. With these directions, the Writ Petition stands allowed . No costs. Consequently the connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shr/ska
To

1.The President,
Koraikuppam Village,
Pulicat Post, Ponneri Taluk,
Ponneri - 601205.



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2.The President,
Karungali Village,
Pulicat Post, Ponneri Taluk,
Ponneri - 601205.

3.The Block Development Officer,
Ponneri Taluk, Minjur Union.

4.The Tahsildar
Ponneri Taluk.

5.The District Collector,
Tiruvallur.

6.The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur.

7.The Station House Officer,
E-4, Kattur Police Station,
Kattur, Ponneri Taluk.

8.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

+lcc to the Government Pleader Sr.8046

W.P.No.18414 of 2012
and M.P.No.1 of 2012

spd[col]
srg 25/02/2022