



W.P.No.32852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32852 of 2022

N.Karunanidhi

.. Petitioner

vs

1.The Commissioner,
Hindu Religious & Charitable Endowment Dept.,
No.119, Utthamar Gandhi Salai,
Nungampakkam,
Chennai-600 034.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Dept.,
Villupuram District.

3.The Thasildar,
Sankarapuram Taluk,
kallakurichi District.

4.Sengunthar Magajana Sangam,
rep. by its president,
Devapandalam Village,
Sankarapuram Taluk,
Kallakurichi District.

.. Respondents



W.P.No.32852 of 2022

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to retrieve the temple lands comprised in Old Survey No.106/1, new Survey No.106/9 in Patta No.913 total to an extent of 60 cents situate at Devapandalam Village, Sankarapuram Taluk, Kallakurichi District belongs to Arulmighu Parthasarathy Thirukovil from the 4th respondent by cancelling the patta issued by the third respondent pursuant to the petitioner representation dated 26.2.2022

For the Petitioner : Mr.T.Balachandran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.M.Rajendran
Addl. Government Pleader
for respondents 1 to 3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing the official respondents to retrieve the temple lands in new Survey No.106/9 (old S.No.106/1) in Patta No.913 measuring an extent of 60 cents situated at Devapandalam Village, Sankarapuram Taluk, Kallakurichi District, belonging to



W.P.No.32852 of 2022

Arulmighu Parthasarathy Thirukovil from the hands of the fourth respondent by cancelling the patta issued by the third respondent.

2. When the petitioner has stated that patta has been issued in respect of the temple lands in question in favour of the fourth respondent, he has to work out his remedy in the manner known to law to challenge the correctness of the issuance of patta. Without doing so, seeking a direction on the official respondents by way of the writ petition to retrieve the temple lands by considering his representation dated 26.2.2022 is untenable.

3. Learned State Government Pleader, on instructions, submitted that the Inspector, Hindu Religious and Charitable Endowment Department, Thirukovilur, is taking steps to cancel the patta, if any, issued in favour of the fourth respondent for the temple lands in question.

4. Since the patta issued in favour of the fourth respondent for the temple lands cannot be cancelled exercising jurisdiction under



W.P.No.32852 of 2022

Article 226 of the Constitution of India and since the HR&CE Department is taking steps to cancel the patta issued in favour of a private person in respect of the temple lands, the writ petition cannot be entertained and hence, the same is dismissed. However, liberty is granted to the petitioner to work out his remedy to cancel the patta in the manner known to law. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
08.12.2022

Index : Yes/No
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To:

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Dept.,
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Nungampakkam, Chennai-600 034.
- 2.The Assistant Commissioner,
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W.P.No.32852 of 2022

T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

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