



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.10899 OF 2022

C.Rajendran

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai 600 034.
2. The District Collector,
Erode District,
Erode.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Chinnamuthu Veethi,
Near Trust Hospital,
Erode.
4. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Brough Road,
Erode.
5. The Tahsildar,
Taluk Office,
Erode 1.
6. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Padaiveerar Maligai,
Gandhiji Road,
Erode 638 001.
7. Pappayammal

.. Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.08.2017 as well as the subsequent reminders dated 22.02.2021, 06.12.2021, 23.02.2022 and 19.03.2022 by taking necessary steps to restore the temple lands comprised in S.No.136/1 and 136/2 of Kathirampatti Village back to Ullur Ponnatchiamman Temple within a time frame fixed by this Court.

For Petitioner	:	Mr.P.Muthukrishnan
For RR1, 3 & 6	:	Mr.S.Yashwanth (Additional Government Pleader)
For RR2, 4 & 5	:	Mr.R.Kumaravel (Additional Government Pleader)

O R D E R

This Writ Petition is filed by the petitioner for a direction to the respondents to consider the representation of the petitioner, by taking necessary steps to restore the temple lands within the time frame fixed by this Court.

2.By consent of the learned counsel appearing for the petitioner, the learned Additional Government Pleader who takes notice for the respondents 1, 3 and 6 as well as the learned Additional Government Pleader who takes notice for the respondents 2, 4 and 5, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleaders appearing for the respondents and perused the entire materials available on record.

4.According to the petitioner, he is a Devotee of Arulmighu Poonachiamman Temple at Kathirampatti Village, Erode Taluk, who attends the performance of worship. The land comprised in Survey Nos.136/1 and 136/2 of Kathirampatti Village was a Devadayam Land as per Inam Patta No.79 of the year 1965. In the Survey and Re-Settlement Register of Kathirampatti Village, No.44, Erode Taluk, (the then Coimbatore District, now Erode District), the name of the Ullur Ponnatchiamman Temple was recorded as a Pattadar, represented by its priests K.Chinnandi and 3 others. Therefore, the title of the property vested with the idol of the temple and priests were granted only service Inam. The property permanently vested with the deity of the temple. The Inam Survey Nos.136/1 and 136/2 were assigned with Survey Nos.175/1 and



175/2. While so, the revenue records in respect of the aforesaid lands have been mutated in the names of several individuals. The respondents, being the custodian of the temple properties, failed to take any steps to restore the aforesaid properties in the name of the temple. The petitioner made a representation dated 18.08.2017 to the 2nd respondent, seeking to restore the lands in the name of the temple. The 2nd respondent, vide proceedings in Na.Ka.No.23747/2017/Uoo 3, dated 05.10.2017, directed the 4th respondent to conduct enquiry and submit a report to that effect. Pursuant to the same, the 4th respondent, by proceedings in Na.Ka.No.4660/2017/A4, dated 11.10.2017, directed the 5th respondent to submit a report. The 5th respondent did not take any steps to submit the report. Hence, the petitioner made another representation dated 23.07.2019 to the respondents 1, 3 and 6 to restore the aforesaid lands to the deity and vest the said property with the presiding deity of the temple. Since no action is taken, the petitioner sent a reminder dated 22.02.2021, followed by another reminder dated 06.12.2021 to the respondents. In pursuant to the same, the 4th respondent, by proceedings in O.Mu.5893/2021/Aa1 dated 28.12.2021, directed the 5th respondent to take appropriate action. Since no action has been taken, the petitioner again sent reminders dated 23.02.2022 and 19.03.2022 and has finally come out with the present Writ Petition.

5.The learned Additional Government Pleaders appearing for the respondents submitted that the representation of the petitioner will be considered and orders will be passed within the time frame fixed by this Court.

6.Considering the nature of relief sought for in the Writ Petition and submission of learned Additional Government Pleaders appearing for the respondents, without deciding the issue on merits, the 2nd respondent is directed to consider the representation of the petitioner dated 18.08.2017 as well as the subsequent reminders dated 22.02.2021, 06.12.2021, 23.02.2022 and 19.03.2022 and pass orders on merits and in accordance with law, after giving opportunity of hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gsa



To

1. The Commissioner,
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6. The Assistant Commissioner,
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Erode 638 001.

+1cc to Mr.P.Muthukrishnan, Advocate, S.R.No.29105

+1cc to the Government Pleader, S.R.No.30471

W.P.No.10899 of 2022

AD(CO)
RLP(25/05/2022)