



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.13035 of 2022

A.K.Vijayageetha

...Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Hindu Religious Charitable
Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Executive Officer,
Arulmigu Sri Ramanaadheswarar Thirukovil,
Palnankuppam,
Jolarpettai,
Tirupathur Taluk,
Tirupathur District.
3. D.Uthira Kumar,
Rep. by his Power of Attorney Agent
D.Gnanavel
4. F.Solomaon Lion Vijayakumar
5. S.Yuvaraj

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of a writ, directing the 1st respondent to initiate all necessary action exercising his power provided under Section 23 of Tamil Nadu Hindu Religious Charitable Endowment Act, 1959 and prefer an appeal against the Final Order in Ne Mu.D2/9733/200 dated 27.04.2021 passed by the District Revenue Officer, Tirupathur District or any appropriate steps in the manner known to law to protect the property measuring an extent of 3.34 acres comprised in old survey No.226/1, New survey Nos.226/1A and 1B situate at Palnankuppam Village, Jolarpettai, Tirupathur Taluk, Tirupathur District.

For Petitioner	: Mr.K.Ashok Kumar
For Respondents	: Mr.K.Karthikeyan Government Advocate (HR & CE) for R1 and R2



O R D E R

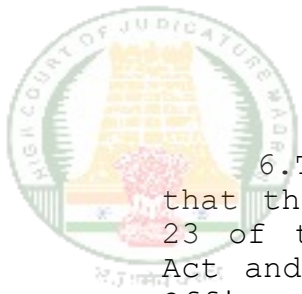
The relief sought for in the present writ petition is to direct the 1st respondent to initiate all necessary action exercising his power provided under Section 23 of Tamil Nadu Hindu Religious Charitable Endowment Act, 1959, and prefer an appeal against the Final Order in Ne.Mu.D2/9733/200, dated 27.04.2021, passed by the District Revenue Officer, Tirupathur District or any appropriate steps in the manner known to law to protect the property measuring an extent of 3.34 acres comprised in old survey No.226/1, New survey Nos.226/1A and 1B situate at Palnankuppam Village, Jolarpettai, Tirupathur Taluk, Tirupathur District.

2.The petitioner states that he is a devotee of Arulmigu Sri Ramanaadheswarar Thirukovil, Palnankuppam, Jolarpettai, Tirupathur Taluk, Tirupathur District. The petitioner was a Trustee and therefore, the petitioner has initiated action to protect the temple properties.

3.The grievance of the petitioner is that, larger extent of property belongs to the temple measuring about 3 ½ Acres are not recovered from the hands of the encroachers. The encroachers are encroaching the temple property without paying any rent to the temple and now attempting to alienate the said temple property in an illegal manner. Further, steps are taken to effect changes in the Revenue records and therefore, urgent actions are required in this matter.

4.The learned counsel for the petitioner made a submission that there were certain illegal transactions and those transactions were also brought to the notice of the competent authorities including the first respondent. In spite of these factors, the first respondent has not initiated any action and therefore, the petitioner is constrained to move the present writ petition.

5.Perusal of the affidavit filed in support of this writ petition reveals that, certain transactions were brought to the notice of the authorities. It is needless to state that the competent authorities of the Hindu Religious Charitable Endowment Department are bound to protect the temple properties and its belongings. When the petitioner made a complaint that the temple properties are encroached upon and without even paying the rent, attempt is taken to alienate the temple properties, the authorities are duty bound to conduct enquiry and initiate all appropriate action for the purpose of protecting the temple properties.



6.The learned counsel for the petitioner made a submission that the Commissioner is bound to initiate action under Section 23 of the Tamil Nadu Hindu Religious and Charitable Endowment Act and in respect of the order passed by the District Revenue Officer, an appeal is to be filed. Despite the request made by the petitioner, no action has been initiated.

7.Under these circumstances, the first respondent is directed to initiate all appropriate actions to protect the temple properties and further, initiate action to evict the encroachers and take possession of the temple properties and deal with the same in accordance with the provisions of the Act and Rules. The said exercise is directed to be done within a period of twelve weeks from the date of receipt of copy of this order.

8.With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

ab/mkn

To

1. The Commissioner,
Tamil Nadu Hindu Religious Charitable
Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Executive Officer,
Arulmigu Sri Ramanaadheswarar Thirukovil,
Palnankuppam,
Jolarpettai,
Tirupathur Taluk,
Tirupathur District.

+1cc to Mr.K.Ashok Kumar, Advocate, S.R.No.31898

+1cc to the Government Pleader, S.R.No.31878

W.P.No.13035 of 2022

SJ(CO)
KKV/31/05/2022