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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P.Nos.14882 of 2019 and 11824 of 2020

WP No.14882 of 2019

A.Radhakrishnan

... Petitioner

Vs

- 1 The Secretary to Government
Revenue Department
Secretariat Chennai -9
- 2 The Secretary to Government
Home Department
Secretariat Chennai-9.
- 3 The Secretary to Government
Tourism Culture and Endowment Department
Secretariat Chennai 9.
- 4 The Director General of Police
Dr.Radhakrishnan Road Chennai - 4.
- 5 The Commissioner of Land Administration
Chepauk Chennai-5.
- 6 The Director of Survey and Settlement
Chepauk Chennai 5.
- 7 The Commissioner
Hindu Religious and Charitable Endowments Department
119 Nungambakkam High Road
Chennai -34.
- 8 The District Collector, Kancheepuram.
- 9 The Inspector General of Police
North Zone 19/3 Karuneegar Street
Military Quarters Alandur Chennai-16.



- 10 The Regional Deputy Director
Survey and Settlements
Chepauk Chennai-5.
- 11 The Assistant Director
Geology and Mining Department
Kancheepuram.
- 12 The Deputy Director of Town and Country Planning
Chengalpet.
- 13 The Member Secretary
Local planning Authority
Mamallapuram.
- 14 The Member Secretary
New Area Development Authority
Kancheepuram.
- 15 The Assistant Director
Town Panchayats
Kancheepuram.
- 16 The Assistant Director of Panchayats
Kancheepuram.
- 17 The Chief Engineer
T.N.Generation and Distribution Corporation
Chennai.
- 18 The Joint Commissioner
H.R. & C.E. Department
Vellore.
- 19 The Deputy Inspector General
of Registrations 2nd Floor SIDCO
Electronic Complex Thiru. Ve.Ka Industrial
Estate Guindy Chennai 600 032.
- 20 The Principal Chief Conservator of Forests
and Head of the Department
Panagal Park Saidapet Chennai 600 015.
- 21 The Managing Director
Tamil Nadu News Print and Papers Ltd.
67, Mount Road Guindy
Chennai 600 032.



22 The Managing Director
Chennai Metropolitan Water supply and
Sewerage Board 1 Pumping Station Road
Chindatripet Chennai 600 002.

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23 The Chairman
Life is Grand on ECR Ocean Drive Villas
Sulerkadu Village Thiruporur Taluk
Kancheepuram District.

24 Ven Govindan

25 Sundaramoni

26 L.Murugesan

27 The Chairman
Monkey Monk Resorts Pattipuram Village
Mamallapuram.

28 The Executive Officer
Nemeli Arulmigu Alavanthar Nayagar Charities
Mamallapuram 603 104.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 5 to 19 to take appropriate steps to identify the properties of 28th respondent charity situated at Kancheepuram District and consequentially secure and safeguard the same from the encroachers by considering petitioner representation dated 11.04.2019.

For the Petitioner : Mr.A.Radhakrishnan,
party-in-person

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1, 2, 4 to 6
and 8 to 16

Mr.T.Chandrasekaran,
Special Government Pleader,
for respondents 3, 7 and 18

Mr.S.Girish,
for M/s.M.Karthikeyan,
for 28th respondent

Mr.L.Jai Venkatesh,
for 17th respondent



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Mr.P.Sathish,
Additional Government Pleader,
for 19th respondent

Mr.T.Seenivasan,
for 20th respondent

No appearance
for respondents 21 to 27

WP No.11824 of 2020

B.Jagannath

Vs

... Petitioner

- 1 The Chief Secretary
Government of Tamil Nadu
Fort St.George
Secretariat Chennai - 9
- 2 The Revenue Secretary
Secretariat Fort St.George, Chennai - 9
- 3 The Commissioner
H.R. & C.E. Department
Numgambakkam, Chennai - 34
- 4 Inspector General of Registration
Registration Department Santhome
Chennai - 28
- 5 The Executive Officer
Arulmighu Thiruporur Murugan Temple
Thiruporur.
- 6 The Executive Officer
Arulmighu Thiru Alavandan Thirukoil
Thiruporur
- 7 The Sub Registrar
Sub Registration Office Thiruporur.
- 8 The District Collector, Kancheepuram
- 9 The District Collector,
Chengalpattu

... Respondents

(R8 R9 Suo motu impleaded
vide order dated 10/09/2020 in WP.11824/2020)



Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th and 7th respondent herein namely the Inspector General of Registration and Sub Registrar of the Sub Registration office of Thiruporur not to alienate or create any encumbrance for the properties belonging to the 5th and 6th respondent temple namely the Arulmighu Kandasamy Murugan Temple Thiruporur and Arulmighu Alavandan Naicker Charity Mammalapuram based on the various Honble Supreme Court judgment in a view to protect the property of both the temples worth about Indian Rupees 60 000 crores USD 8 billion measuring roughly about 2000 acres in accordance with law.

For the Petitioner : Mr.B.Jagannath,
party-in-person

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1, 2, 8 and 9

Mr.T.Chandrasekaran,
Special Government Pleader,
for respondent No.3

Mr.S.Girish,
for M/s.M.Karthikeyan,
for 6th respondent

Mr.A.K.Sriram,
for M/s.A.S.Kailasam Associates,
for 5th respondent

COMMON ORDER

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

WP No.14882 of 2019 is filed to seek a direction upon respondents 5 to 19 to take appropriate steps to identify the properties of respondent No.28 situated at Kancheepuram District and consequently to secure and safeguard the same from the encroachers, by considering the petitioner's representation dated 11.04.2019.

2. WP No.11824 of 2020 has been filed to a seek a direction on the respondents 4 and 7 viz., Inspector General of Registration, Chennai, and Sub Registrar, Thiruporur, not to alienate or create any encumbrance on the properties belonging



to the 5th and 6th respondent temples viz., Arulmighu Kandasamy Murugan Temple, Tirupporur and Arulmighu Alavandan Naicker Charity, Mallamapuram.

3. This court passed an order on 17.12.2021 directing the Registration Department to find out whether the properties belonging to the temple and religious institution have been taken note of in the record maintained for the refusal of registration under Section 22-A of the Registration Act, 1908. Pursuant to the direction of this court, the learned Government Pleader has produced a copy of the order dated 20.01.2022 passed by the Registration Department. The aforesaid order shows that whenever any document is presented for registration, it will be refused as per Section 22-A of the Registration Act, 1908.

4. In the light of the order passed by the respondents, the main prayer of the petitioner has been satisfied. However, there is a further prayer viz. removal of encroachment that needs to be addressed.

5. The learned Government Pleader submits that action to remove the encroachment would be taken as per Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and it would be completed by 30.04.2022.

6. In view of the above undertaking, nothing survives in the writ petition. However, the respondents are directed to remove the encroachments by taking action under Section 78 of the H.R. & C.E. Act within the time-frame given by them. The respondents are also directed to submit a compliance report by 10.05.2022. The process of removing the encroachments shall be completed by 30.04.2022.

7. The writ petitions are disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.14868 of 2019, 14533 and 14543 of 2020 are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1 The Secretary to Government
Revenue Department
Secretariat Chennai -9



- 2 The Secretary to Government
Home Department
Secretariat Chennai-9.
- 3 The Secretary to Government
Tourism Culture and Endowment Department
Secretariat Chennai 9.
- 4 The Director General of Police
Dr.Radhakrishnan Road Chennai - 4.
- 5 The Commissioner of Land Administration
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Chepauk Chennai 5.
- 7 The Commissioner
Hindu Religious and Charitable Endowments Department
119 Nungambakkam High Road, Chennai -34.
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North Zone 19/3 Karuneegar Street
Military Quarters Alandur Chennai-16.
- 10 The Regional Deputy Director
Survey and Settlements
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- 11 The Assistant Director
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- 17 The Chief Engineer
T.N.Generation and Distribution Corporation
Chennai.
- 18 The Joint Commissioner
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- 19 The Deputy Inspector General
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- 20 The Principal Chief Conservator of Forests
and Head of the Department
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- 21 The Managing Director
Tamil Nadu News Print and Papers Ltd.
67, Mount Road Guindy
Chennai 600 032.
- 22 The Managing Director
Chennai Metropolitan Water supply and
Sewerage Board 1 Pumping Station Road
Chindatripet Chennai 600 002.
- 23 The Chief secretary Government of Tamil Nadu,
Fort St.George Secretriat Chennai.-600 009.
- 24 The Inspector General Of Registration,
Registration Department,
Santhome Chennai - 600 028
- 25 The Sub Registrar ,
Sub Registration Office,
Thiruporur.
- 26 The District Collector,
Kancheepuram

+3cc to Mr.B.Jagannath, Advocate, S.R.No.4069 [28/04/2022]
+1cc to the Government Pleader, S.R.No.3972 [28/04/2022]
+1cc to the Government Pleader, S.R.No.3973
+1cc to the Government Pleader, S.R.No.4051 [28/04/2022]

W.P.Nos.14882 of 2019 and 11824 of 2020

GJ(CO)
CT 31/01/2022