



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.15488 of 2020

1.S.Pappaiah Ravi
2.A.N.Panneerselvam
3.P.Paramasivam Pillai
4.K.Senthilkumar

...Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The State of Tamil Nadu
rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Secretariat,
Chennai - 600 009.
3. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem District,
Near Kottaimariamman Koil Complex,
Near Old Bus Stand, Salem 636 001.
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem District, Salem - 636 001.
6. The District Collector,
Salem District.



7. The Revenue Divisional Officer,
Attur Division, Salem District.

8. The Tahsildar,
Attur Taluk, Salem District.

9. The Superintendent of Police,
Salem District, Salem.

10. The Executive Officer,
Arulmighu Chidambareshwarar Thirukoil,
Deviyakurichi, Aragalur Post,
Attur Taluk, Salem District - 636 106.

11. Southern Educational Development Society,
Rep. by its Correspondent, Thiru Lakshmi Narayanan,
(Tagore Kalvi Niruvanangal)
Deviyakurichi & Post,
Attur Taluk, Salem District - 636 112.

12. Sree Gokulam Chit & Finance Co., Privates Ltd.,
rep. by Mr. Kannan,
Power Agent of the Forman,
No. 581A, N.R. Arcade, 1st Floor,
North Udayar Palayam, Athur Town & Taluk,
Salem District - 636 102.

13. R. Saroja

14. M. Subramani

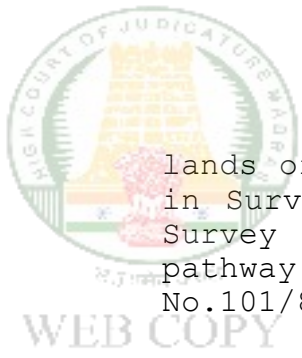
15. C. Subramani

16. P. Arumugam

17. M. Sakthivel

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 10 herein to forthwith initiate action to remove the encroachments made by the respondents 11 to 17 and reclaim the temple lands of an extent of 1.13 Acres along with well in Survey No. 100/11, 0.02 Cents in Survey No. 100/12, 1.14 Acres in Survey No. 101/10 and 0.48 Cents out of 1.45 Acres in Survey No. 61/2, 0.03 cents out of 0.08 cents in Survey No. 19/15 situated in Deviyakurichi Village and Lands of an extent of 0.45 cents in Survey No. 494/4, 0.89 cents in Survey No. 494/6, situated in Manivizhundhan Village, Attur Taluk, Salem District, which belongs to Arulmigu Chidambareshwarar Temple and Ayyanappan Swamy Temple and Lands belonged to Chidambareshwarar Temple, Deviyakurichi village, and



lands of an extent of 5.03 Acres in Survey No.100/10, 2.06 Acres in Survey No.95/1, 0.13 cents in Survey No.93/7. 0.27 cents in Survey No.216/1B and 0.77 cents in survey No.217/1B along with pathway to the Temple of an extent of 0.50 cents in Survey No.101/8 classified as Odai Purambok (Water source area).

For petitioners : Mrs.AL.Gandhimathi

For respondents : Mr.R.Siddharth
Govt. Advocate
(for R2, R6, R7, R8 & R9)

Mr.T.Chezhian
Addl. Govt. Pleader (H.R & C.E)
(for R1, R3, R4, R5 & R10)

Mr.L.Rajasekar (for R12)
Mr.M.Santhanaraman (for R11)
Mr.B.Kannadasan (for R14)
Mr.R.Nalliappan (for R17)

No appearance for R13, R15 & R16

R16 - Refused

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

Heard Mrs.AL.Gandhimathi, learned counsel for the petitioners, Mr.R.Siddharth, learned Government Advocate appearing for the respondents 2, 6, 7, 8 and 9, Mr.T.Chezhian, learned Additional Government Pleader appearing for the respondents 1, 3, 4, 5 and 10, Mr.M.Santhanaraman, learned counsel appearing for the 11th respondent, Mr.L.Rajasekar, learned counsel appearing for the 12th respondent, Mr.B.Kannadasan, learned counsel appearing for the 14th respondent, Mr.R.Nalliappan, learned counsel appearing for the 17th respondent and perused the materials available on record.

2.The petitioners have come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 10 herein to forthwith initiate action to remove the encroachments made by the respondents 11 to 17 in the land belonging to the Ayyanappan Swamy Temple and Arulmigu Chidambareswarar Temple situated at Deviyakurichi village and Manivizhundhan village, Attur Taluk, Salem District.

3.The learned counsel appearing for the petitioner would state that the private respondents have encroached upon the land belonging to the temple and it would suffice, if a direction is



issued to the fourth respondent to act on the representation of the petitioners.

4.The learned counsels appearing for the respondents 11 to 17 would argue that there was no encroachment as alleged by the petitioners and this litigation has been filed due to private enmity.

5.The learned Additional Government Pleader Mr.T.Chezhian, on instructions, would state that encroachments in the land belonging to the temple was found by the officials and the fourth respondent is ready to take appropriate action on the representation of the petitioners.

6.In the light of the above submissions of the learned counsels and the limited scope of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the fourth respondent to take appropriate action on the representation of the petitioner and pass appropriate orders in accordance with law, after affording ample opportunity to the necessary parties, within a period of six months from the date of receipt of a copy of this order. It is made clear that at the time of removal of encroachment, the Superintendent of Police, Salem District, the 9th respondent herein shall provide necessary assistance to the fourth respondent.

7.It is informed that part of the land belongs to the temple was sold and pursuant to the order passed in W.P.No.10095 of 2013, sale deeds came to be cancelled. It is informed that patta proceedings have been pending before the Revenue Authorities. Hence, they are hereby directed to conclude pending proceedings at the earliest preferably within a period of three months.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

skn



To

1. The Secretary to Government,
State of Tamil Nadu,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Secretariat,
Chennai - 600 009.
 2. The Secretary to Government,
State of Tamil Nadu
Revenue Department,
Fort St. George, Secretariat,
Chennai - 600 009.
 3. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
 4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem District,
Near Kottaimariamman Koil Complex,
Near Old Bus Stand, Salem 636 001.
 5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem District, Salem - 636 001.
 6. The District Collector,
Salem District.
 7. The Revenue Divisional Officer,
Attur Division, Salem District.
 8. The Tahsildar,
Attur Taluk, Salem District.
 9. The Superintendent of Police,
Salem District, Salem.
 10. The Executive Officer,
Arulmighu Chidambareswarar Thirukoil,
Deviyakurichi, Aragalur Post,
Attur Taluk, Salem District - 636 106.
- +1cc to Mr.E.Kannadasan, Advocate SR. No.2226
+1cc to Mr.L.Rajasekar, Advocate SR. No.2201
+1cc to the Special Government Pleader (HR&CE), SR. No. 2098



+1cc to M/s.A.L.Ganthimathi, Advocate SR. No.2058
+1cc to Government Pleader SR. No.1955
+1cc to Mr.R.Nalliappan, Advocate SR. No.1820

W.P.No.15488 of 2020

WEB COPY

SS (CO)
PR (28/01/2022)