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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.27561 of 2021

A.Radhakrishnan

...Petitioner

Vs.

- 1.The Chief Secretary to Government,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious & Charitable Endowments,
119, Nungambakkam High Road,
Chennai - 600 034.
- 3.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
- 4.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
- 5.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 6.The District Executive Magistrate
cum Collector,
Salem.
- 7.The Sub Divisional Executive Magistrate
cum Revenue Divisional Officer,
Sankagiri,
Salem District.
- 8.The Taluk Executive Magistrate
cum Tahsildar,
Sankari,
Salem District.



9.The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Salem - 636 001.

10.The Assistant Commissioner,
Hindu Religious & Charitable Endowments,
Salem - 636 001.

11.The Executive Officer,
Arulmigu Angalamman Thirukoil,
Kalvadangam,
Sankari Taluk,
Salem District.

...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 2 to 11 to secure and safeguard the 11th respondent temple properties and to take initiatives for development works and ensure better administration by considering petitioner's representation dated 23.10.2021.

For Petitioner : Mr.A.Radhakrishnan
(party in person)

For RR 2, 9, 10 & 11 : Mr.S.Yashwanth
Additional Government Pleader

For RR 1, 3 to 8 : Mr.S.Ravikumar
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, directing the respondents 2 to 11 to secure and safeguard the 11th respondent temple properties and to take initiatives for development works and ensure better administration by considering petitioner's representation dated 23.10.2021.

2.Heard the party in person who appeared through Video-Conferencing as well as the learned Additional Pleader appearing for the respondents 2, 9, 10 & 11 and the learned Special Government Pleader appearing for the respondents 1, 3 to 8 and perused the entire materials on record.

3.According to the petitioner, he is one of the devotees of 11th respondent temple. He seeks relief directing the respondents 2 to 11 to secure and safeguard the properties of 11th respondent



temple and to take steps to develop the same. The petitioner has given representation dated 23.10.2021 to the Hon'ble Chief Minister's special cell, which was forwarded to the District Collector, Salem District, the 6th respondent herein for taking action. The 6th respondent, considering the representation of the petitioner, has directed the respondents 7 & 8 to identify and resume the properties of 11th respondent temple. The same has been done by the respondents 7 & 8. According to the petitioner, the 11th respondent has sent representation dated 14.01.2020 to the 8th respondent to issue patta in the name of the temple. The 8th respondent has not issued patta and the respondents have not acted on the representation of the petitioner and hence, the petitioner has come out with the present Writ Petition. The 11th respondent has given written instructions addressing to the Joint Commissioner, HR & CE, Salem marking copy to the Government Pleader, HR & CE. From the written instructions, it is seen that the land belonging to 11th respondent temple was measured and boundary stones are put up. The 11th respondent also has stated that the Government poramboke land adjoining the temple land was also measured and boundary stones were put up. As per the written instructions, it is seen that the patta is already in the name of the 11th respondent temple for the land where the temple is located.

4.As far as development of the 11th respondent temple is concerned, the proposals are prepared and Assistant Executive Engineer, Mettur Dam has stated that if funds are provided by the Tourism Department, the land will be developed as park, etc,. From the written instructions, it is seen that the patta is in the name of the temple for the land on which the temple is located. If patta has not been issued for the land belonging to the temple which was measured and boundary stones were fixed, the 8th respondent is directed to consider the representation of the 11th respondent for issue of patta for the land belonging to the 11th respondent temple after holding enquiry by giving opportunity to the parties concerned, including the petitioner and 11th respondent herein. The petitioner is seeking the relief of securing the land of the 11th respondent for development. The petitioner has not furnished any particulars whether the land belonging to 11th respondent is encroached by any third parties or not. If the lands are encroached by the third parties, the petitioner is directed to give a representation to the respondents 2 & 6 within a period of two weeks from the date of receipt of a copy of this order, pointing out the encroachment of 11th respondent property, so that steps could be taken to secure the said lands. If any such representation is given by the petitioner, the respondents 2 & 6 are directed to take action on the said representation within a period of four weeks thereafter.



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

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Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

krk

To

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+1cc to the Government Pleader, S.R.No.13717

W.P.No.27561 of 2021

JPL(CO)
RVM(24/03/2022)