



WEB COPY



W.P. No. 28265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28265 of 2022

and

W.M.P. No. 27565 of 2022

S.Gopalan

... Petitioner

-VS-

1. The Commissioner, HR & CE,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner, HR & CE,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.

3. The Executive Officer,
Arulmigu Hanumantharaya Temple,
(Presently post held by) The Executive Officer,
Karaneswarar Temple,
V.G.P. Road,
Saidapet,
Chennai - 600 015.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from doing anything further either with the structure of Arulmigu Hanumantharaya Temple, Saidapet or its properties.



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For Petitioner : Mr. M.Saravanakumar
For Respondents : Mr. M.Bindran,
Additional Government Pleader

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ORDER

Heard Mr. M.Saravanakumar, Learned Counsel for the Petitioner and Mr. M.Bindran, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is the Fourth Appellant in Appeal No. 49 of 2021 filed under Section 54(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the First Respondent challenging the order disqualifying the Hereditary Trustees of the Temple of the Third Respondent, and this Court by order dated 01.08.2022 in W.P. No. 19252 of 2022 had recorded the submission made on behalf of the Respondents that the said appeal would be disposed within a period of three months from the date of receipt of its copy. It is stated that the said appeal was heard on 27.10.2022 and adjourned for next hearing on 09.11.2022. In the meanwhile, the Petitioner has filed this Writ Petition to restrain the Respondents from doing anything further either with the structure of the Temple of the Third Respondent or its properties.



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3. The Third Respondent has filed a memo dated 26.10.2022 in which it has

been explained as follows:-

"2. It is submitted that the said A/m Hanumantharaya @ Anjeneyar Temple, Saidapet, Chennai-15 is under the control of Executive Officer, A/m Karaneeswarar Temple, Saidapet, Chennai-15. The said Temple Hereditary Trustees has filed a petition claiming Legal Heirship, the said petition has been dismissed by order dated 18.11.2020 against which the appeal has been filed by the Petitioner in A.P. No. 49/2021. The said appeal is pending and posted for hearing today i.e. 26.10.2022.

3. The total extent of above said temple is 1.73 acres out of which the Hospital, the Special School, the Temple has been situated, balance 1.18 acres is a vacant land. The Commissioner, HR & CE Department, Chennai/the First Respondent, in order to stop the encroachment has given the permission to plant trees under Kalaighnar Sthala Plantation Scheme at a cost of Rs.70-00 Lakhs and also to maintain the said tress for a period of two years.

4. On 11.07.2022 we have given notice to the Managing Trustee of Karunai Trust, stating that we are visiting the vacant



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land for plantation of trees and sought their co-operation for

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plantation of trees which is the part of the Temple."

It is evident from the aforesaid memo that the action taken is only for planting of trees in the vacant land in order to protect the property from encroachment. The sketch of the entire property of the Temple of the Third Respondent has also been produced in which a specified area has been ear-marked for conducting utsavam and another separate portion has been identified for planting trees in the said property. In such circumstances, it is made clear that the Second and Third Respondents shall not take any other action in respect of the property of the Temple of the Third Respondent without the prior permission of the First Respondent and issuing notice to the Petitioner in that regard till final decision taken in Appeal No. 49 of 2021 is communicated to the Petitioner by the First Respondent.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

28.10.2022

vjt

Index: Yes/No

Note: Issue order copy by 14.11.2022.



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P.D. AUDIKESAVALU, J.

vjt

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