



W.P.No.578 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.578 of 2017

Sri Thandava Vinayagar Temple,
No.27, Keelkottaiyur Village,
Chengleput District,
represented by its Managing Trustee,
P.S.Srinivasan,
Having office at:
Old Door No.15, New No.34,
Veerabadran Street, Mylapore,
Chennai – 600 004.

... Petitioner

Vs

- 1.Government of Tamil Nadu,
Represented by Secretary,
Revenue Department, Fort St.George,
Chennai – 600 009.
- 2.District Collector,
Kancheepuram District,
Kancheepuram.
- 3.Tahsildar,
Office of Tahsildar,
Chenglepet.
- 4.VIT University,
Represented by its Vice President G.V.Selvam,
Vandalur – Kelambakkam Road,



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Chennai – 600 127.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 20.10.2016 and direct him to accord permission and send a valuation report of the lands which are sought to be exchanged between the petitioner and the 4th respondent for the purpose of registration of Exchange Deed.

For Petitioner : Mr.M.Devendran

For Respondents : Mr.U.Bharandharan for RR1 to 3
Additional Government Pleader
: R4 – Tapal return

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the petitioner's representation dated 20.10.2016 and direct him to accord permission and send a valuation report of the lands which are sought to be exchanged between the petitioner and the 4th respondent for the purpose of registration of Exchange Deed.

2.Since, no adverse orders is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.



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3.The case of the petitioner is that the petitioner temple is a private temple belongs to and managed by Salivahana Community and therefore, it does not come under the purview of Hindu Religious and Charitable Trust. The petitioner temple possessed various lands in S.No.15/2B measuring an extent of 0.80 Acres, S.No.25/2 measuring an extent of 0.18 ½ Acres and S.No.58/8 measuring an extent of 0.30 acres, totally 1.28 ½ acres. The said lands were gifted by one Govindan Chettiar in the year 1932 to the petitioner temple. The aforesaid lands are surrounded by the land belonging to the 4th respondent. While so, the 4th respondent sent a letter dated 15.10.2008 to the petitioner temple to exchange the petitioner temple lands to the 4th respondent and in turn the 4th respondent agreed to surrender their lands at Sonalur Village to the petitioner temple. Accordingly, a Deed of an Agreement to Exchange the lands was executed on 05.01.2008 between the petitioner and the 4th respondent. However, the lands which were agreed to be exchanged to the petitioner temple was not been processed and in this regard, the petitioner temple sent a legal notice dated 18.02.2010. While so, the petitioner temple gave a representation dated 20.10.2016 to the 1st respondent to accord



permission and also send the valuation report of the land which are subjected to be exchanged. Despite the receipt of the same, the 1st respondent has not considered the same. Hence, the present Writ Petition has been filed.

4.The learned counsel for the petitioners submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner temple representation dated 20.10.2016 and pass appropriate orders within a particular time frame fixed by this Court.

5.Learned Additional Government Pleader appearing for the respondents 1 to 3 submits that if any direction is given by this Court, the same will be complied with.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 20.10.2016, on merits and in accordance with law and pass appropriate orders, after affording an opportunity of hearing to the petitioner as well as the private respondent, within a period of six weeks from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs.



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Index : Yes/No
Speaking Order : Yes/No
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To

- 1.The Secretary,
For The Governement of Tamil Nadu,,
Revenue Department, Fort St.George,
Chennai – 600 009.
- 2.District Collector,
Kancheepuram District,
Kancheepuram.
- 3.Tahsildar,
Office of Tahsildar,
Chenglepet.



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M.DHANDAPANI,J.

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