



W.P. No.31207 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.31207 of 2022

A.Radhakrishnan

... Petitioner

Vs

- 1.The Secretary to Government
Revenue Department
Secretariat, Chennai 600 009
- 2.The Secretary to Government
Home Department
Secretariat, Chennai 600 009
- 3.The secretary to Government
Tourism culture and Endowments Department
Secretariat, Chennai 600 009
- 4.The Commissioner of Revenue Administration
Chepauk, Chennai 600 005
- 5.The Commissioner of Land Administration,
Chepauk Chennai 600 005
- 6.The Commissioner of Land Reforms,
Chepauk Chennai 600 005



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7.The Director of Survey and Settlements
Chepauk Chennai 600 005

8.The Inspector General of Registration
100 Santhome High Road
Chennai 600 028

9.The Commissioner
Hindu Religious and Charitable Endowments Department
119 Nungambakkam High Road
Chennai 600 034

10.The Director General of Police
Dr. Radhakrishnan Road
Chennai 600 004

11.The District Collector
Namakkal

12.Deputy Inspector General of Police
Salem 636 007

13.The Tahsildar
Rasipuram Namakkal District

14.The Joint commissioner
Hindu Religious and Charitable Endowments
Department Erode

15.The Inspector of Police
Namagiripettai Namakkal District

16.The Managing Trustee
Arulmigu Veerabathira Swamy Temple
Namagiripettai Namakkal District

17.R. Periyasamy

18.R. Nallaiyan

19.P.Karthikeyan



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20.N.Rajasekar

21.Thirumathi Vasantha

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 16 to secure safeguard and remove the encroachers of respondents 17 to 21 from the property S.F.No. 3 /1 in Patta No. 4 at Ariyagoundampatty village Rasipuram taluk Namakkal District and restore the same to the 16th respondent temple by considering the 4th respondent communication in Na.Ka.No.Va Ne 7(1) / 31 / 2021 dated 03.10.2022 and also by considering petitioner representation dated 30.09.2022.

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

For the Respondents :: Mr.P.Muthukumar,
State Government Pleader
for respondents 1 to 8, 10 to 13, 15

Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for respondents 9 and 14

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, claiming to be an activist and an ardent devotee of Arulmigu Veerabathira Swamy Temple, has filed this writ petition as a party-in-person, for the issuance of a Writ of Mandamus directing the the respondents 1 to 16 to secure, safeguard and remove the encroachments of respondents 17 to 21 from the property S.F.No.3/1 in Patta No.4 at Ariyagoundampatty village Rasipuram



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Taluk, Namakkal District and restore the same to the 16th respondent temple by considering the fourth respondent's communication in Na.Ka.No.Va.Ne. 7(1)/31/2021 dated 03.10.2022 and also by considering petitioner's representation dated 30.09.2022.

2. The party-in-person submitted that being a devotee, he visited 16th respondent temple on 16.08.2014 to worship Arulmighu Veerabathira Swamy Temple. He came to know that the said temple is having properties in S.F.No.3/1 in Patta No.4 at Ariyagoundampatty Village, Rasipuram Taluk, Namakkal District, and the said land is an agricultural land. Though the temple is having vast land there is no income derived from the said property in favour of the temple. Generally, properties belonging to religious institutions are governed by the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3. The petitioner also came to know that the lessees, who have got lease of the temple properties, are not paying the lease amount. As a result, the temple could not be maintained. In this regard, the petitioner has made a representation dated 30.09.2022 to the fourth



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respondent but no action has been taken so far on the said representation. The petitioner also claims that the temple is a denomination temple and therefore, revenue authorities alone have power to take further action and this could also be seen from proceedings dated 03.10.2022 issued by the Additional Chief Secretary/Commissioner of Revenue Administration, Chepauk to the District Collector, Namakkal.

The learned State Government Pleader appearing for the respondents, taking notice, submitted that there is no difficulty to consider the representation made by the petitioner in view of the proceedings dated 03.10.2022.

4. In view of the above, the District Collector, Namakkal, is hereby directed to consider the petitioner's representation dated 30.09.2022 in the light of the proceedings dated 03.10.2022, within a period of eight weeks from the date of receipt of a copy of this order, after hearing the parties.



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5. The writ petition is disposed of with the above direction. No costs.

(T.R., ACJ.) (D.K.K., J.)
24.11.2022

Index: Yes/No
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