



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.2541 of 2022

in

WMP(MD) Nos.2233 and 2234 of 2022

WEB COPY

S.Vetrichelvan

... Petitioner

/vs./

1.The Joint Commissioner

Hindu Religious Charitable Department,
Thanjavur District.

2.The Executive Commissioner

Arulmigu Veeranarmatrum Ayyanar Temple,
Alathur, (Office at)
ArulmiguVeerakaliyamman Temple,
Aathalur, PeravuraniTaluk,
Thanjavur District.

3.The Village Administrative Office,

Alathur, Vadukankuthakai,
Tanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.09.2021 & 26.10.2021.

For Petitioner :Mr.G.Kannan for
Mr.S.Parthasarathi

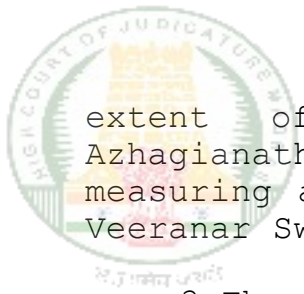
For R1 & R3 : Mr.P.Subbaraj
Special Government Pleader

For R2 : Dr.Ramesh Mahadev

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to consider the petitioner's representation dated 22.09.2021 and 26.10.2021.

2.It is the case of the petitioner that the petitioner requires Adangal certificate from the 3rd respondent. However, the 3rd respondent is refusing to issue the same by citing the arrears of rent etc., in respect of the land in S.No.128A/13, measuring an



extent of 58 cents standing in the name of Arulmigu Azhagianathaswamy Temple, Aalaathur and the land in S.No.154/1, measuring an extent of 3.21 acres standing in the name of Arulmigu Veeranar Swamy Temple, Aalaathur.

3.The learned counsel for the 2nd respondent temple submits that as far as the lands in S.Nos.128A/13 and 154/1, measuring an extent of 58 cents and 3.21 acres respectively are concerned, the petitioner is in arrears of Rs.1,28,230/- and Rs.1,90,435/- respectively and that appropriate steps are to be taken for evicting the petitioner under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (herein after referred to as 'Act'). It is submitted that in all a sum of Rs.3,18,665/- is due from the petitioner as detailed below:-

S.No	Owner of the temple name	Survey No	Extent	Due amount	Important Remarks (Position of the petitioner)
1	Arulmigu Azhagianathaswamy Temple, Aalaathur.	128A/13	58 Cents	Rs.1,28,230 /-	Petitioner's father Thiru.Subramania Vellar was a lessee/tenant under DCB Register of the temple. Hence, the petitioner can be regularised as lessee with the condition that he has to pay the arrears/due amount to the temple.
2	Arulmigu Veeranar Swamy Temple, Aalaathur.	154/1	3.21 (Acre Cents)	Rs.1,90,435 /-	Petitioner is being an encroacher of temple land. Hence, he is to be evicted under Section 78 and 79 of HR and CE Act, 1959.
Total Due Amount				Rs.3,18,665 /-	Hence, the temple E.O. issued a notice to the petitioner for further legal action.

4.I have considered the arguments advanced by the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 3 and the learned counsel for the 2nd respondent.



5.The petitioner is seeking Adangal for taking advantage of any crop insurance that may be available.

6.Considering the same, I am inclined to allow this writ petition subject to the petitioner paying the aforesaid amount to the 2nd respondent temple within a period of 45 days from the date of receipt of a copy of this order in two equal installments. On such payment and production of proof and acknowledgment from the 2nd respondent, the 3rd respondent shall issue Adangal certificate to the petitioner. This Adangal certificate will be without prejudice to the rights of the 2nd respondent temple to take appropriate action against the petitioner in respect of the land in S.No.154/1, measuring an extent of 3.21 acres standing in the name of Arulmigu Veeranar Swamy Temple, Aalaathur.

7.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner
Hindu Religious Charitable Department,
Thanjavur District.

2.The Executive Commissioner
Arulmigu Veeranammatrum Ayyanar Temple,
Alathur, (Office at)
ArulmiguVeerakaliyamman Temple,
Aathalur, PeravuraniTaluk,
Thanjavur District.

+1 CC to M/s.S.PARTHASARATHI, Advocate (SR-15415[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15712[F] dated 31/03/2022)

W. P. (MD) No.2541 of 2022
30.03.2022