



W.P.No.3826 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

W.P.No.3826 of 2023

S.Rajagopal

.. Petitioner

Vs.

1. The Principal Secretary to Government
of Tourism, Culture and Religious Endowments
Department, Secretariat
Fort St.George, Chennai – 600 009.
2. The Commissioner of Hindu
Religious Endowments Department
119, Uthamar Gandhi Salai
Nungambakkam, Chennai – 600 034.
3. The Commissioner of Archives
Department of Archaeology
Tamil Development Directorate Complex
Tamil Salai, Egmore, Chennai – 600 108.
4. The Joint Commissioner of Hindu Religious
Endowments Department
Kottai Mariamman Kovil Campus
Salem – 636 001.



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5. The District Collector
Salem District
Salem – 636 001.

6. The Revenue Divisional Officer
Attur, Attur Taluk
Salem District.

7. The Tahsildar
Thalaivaasal Taluk
Thalaivaasal, Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent herein to consider and pass necessary orders on the representation dated 20.09.2021 made by the petitioner herein to take immediate steps (a) to remove the encroachment of grant lands of public temples of 1) Sri Vinayagar Kovil, 2) Mariamman Kovil, 3) Pidariamman Kovil, 4) Ayyanarswamy Kovil 5) Kamba Perumal Kovil, 6) Ellachetti, 7) Vaitheeswarar Kovil, 8) Vadakariyan Kovil, 9) Malaiamman Kovil, worth about 50 crores at Navakkurichi Village, Talaivasal Taluk, Salem District in respect of S.Nos.21/2-21.93.0, 20/2-2.78.5,36-6.36.0, 57/4-0.15.5/58/6-0.30.0, 58/8, 0.26.5, 59/3-0.13.0, 63/1-0.60.0, 63/80.33.5,65/5-0.15.0, 65/6-1.16.0, 65/7, 1.11.5, 65/11-0.05.5, 67/6-0.12.5.68/17-0.30.0, 171/5-1.77.0, 196/1-1.42.0, 20/12-0.04.0, 202/2-1.46.0, 204/13-0.04.0, 210/3-0.03.0, 212/4, 0.81.0, 214/2-0.52, 234/3-0.55 b) To initiate action against the Revenue Officers and HR&CE who are assisting in putting up encroachments in the common temple lands and endowments land c) To collect the land lease amount from the encroachers dated way back to 20 years under the RR Act. d) To initiate appropriate action to appoint committee or trustees immediately to the temple of historical importance built during the 19th Century and conduct the temple festival expeditiously with a stipulated time frame.



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For the Petitioner : Mr.L.Muthusamy

For the Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R1 to R4

Mr.P.Muthukumar
State Government Pleader
for R5 to R7

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.L.Muthusamy, learned counsel for the petitioner,
Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for
respondents 1 to 4 and Mr.P.Muthukumar, learned State Government
Pleader for respondents 5 to 7.

2. Learned counsel for the petitioner submits that encroachments are made on the lands of the public temples as enumerated. The lands are worth more than Rs.50 crores. Illegal encroachments are made. No action has been taken against the encroachers. No revenue is collected from the encroachers since sixty years.



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3. Learned Special Government Pleader submits that survey was conducted and the encroachers are the villagers and they have submitted that they would handover the possession. Public auction is scheduled and now, the property would be given as per the public auction.

4. Steps are undertaken by the HR & CE Department. Public auction is scheduled to be conducted. In view of that, no further orders, as such, would be necessary. In case, in future, if the public auction does not materialize and the encroachers are not removed, then the petitioner may agitate the same before the respondents.

5. The writ petition, as such, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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