



WEB COPY



W.P.No.9916 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.9916 of 2018

A.R.Muralidharan
Hereditary Trustee,
Sri Arulmigu Venugopalaswamy Thirukovil,
No.218, Kunnavakkam Village,
Chengalpattu - 603 002.

... Petitioner

Vs.

- 1.The Principal Secretary,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
- 2.The Executive Officer,
Arulmigu Sri Venugopalaswamy Thirukovil,
No.90, Kunnavakkam Village & Post Via Natham,
Chengalpattu - 603 002.
- 3.The District Collector,
Kancheepuram District,
Collectorate Compound, Vandavasi Road,
Kancheepuram - 631 501.
- 4.The Revenue Divisional Officer,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.



W.P.No.9916 of 2018

5.The Tahsildar,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu 603 001.

6.The Block Development Officer,
Kattankulathur Panchayat Union,
Chennai Trichy Highway,
Grand Southern Trunk Road,
Maraimalainagar,
Kancheepuram District - 603 203.

7.The Special Officer - Kunnavakkam Panchayat,
Kunnavakkam Panchayat Office,
Kunnavalam, Chengalpattu - 603 001.

8.Lakshmi

9.Masilamani

10.Mukundan

11.Manavalan

12.Sukumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 7 to take necessary steps and to retrieve the temple land more fully described in the schedule hereunder from encroachment and to cancel all the conveyance deeds in respect of the temple land and also to take severe action against the encroachers within a specified period fixed by this Court.

For petitioner : Mr.Veangai. I. Prakash Raj

For respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE) for R1
Mr.P.V.Arul Phazam Nee for R2



W.P.No.9916 of 2018

Mr.A.Selvendran
Special Government Pleader
for R3 to R7

Mr.J.Franklin for R8 and R9

Mr.S.Sai Raman for R10

No appearance for R11

Mr.G.Punniakodi for R12

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

According to the petitioner, he and his brother A.R.Govindraj claim to be the Hereditary Trustees of the Arulmigu Venugopalaswami Temple situated in Kunnavakkam Village, Chengalpattu Taluk, Kancheepuram District, by virtue of succession, which was confirmed by the order of the Joint Commissioner for the Hindu Religious and Charitable Endowments (Administration) Department, in M.P.No.1 of 2008 dated 23.05.2023 and they continue to hold the position of trustees and perform religious activities of the temple.

2.It is further stated by the petitioner in the affidavit filed in support of the petition that the temple owns the nanjai lands in S.Nos.119, 143, 57/5, 59 and 60 measuring an extent 3 acres and 95 cents and punjai lands in S.Nos.77/3, 77/7, 77/8, 78, 83/1, 83/2, 83/3, 84/1 and 84/2 measuring an extent of 5 acres 46



W.P.No.9916 of 2018

cents, in the name of Arulmigu Venugopalaswami Temple and the petitioner along with his brother, being hereditary trustees, have been maintaining the said lands belonging to the temple. While so, in the year 2014, the Village Administration started to lay roads under THAI Scheme in the temple lands, without obtaining any permission from the temple authority. Therefore, the petitioner raised objection before the respondents 2 to 7 requesting to take action. Upon receipt of the same, the fourth respondent by letter dated 14.02.2015, directed the fifth respondent to take immediate action. However, the said representation was not considered and the road was laid by encroaching the temple lands. Further, the private respondents started to encroach the temple lands by forming a layout and sell the same to the innocent buyers. Several representations made by the petitioner in this regard, did not yield any effective action against the encroachers. Therefore, the petitioner has preferred this writ petition seeking a direction to the respondent authorities to retrieve the temple lands from encroachment, cancel all the conveyance deeds in respect of the same and take severe action against the encroachers, within a time frame to be stipulated by this court.

3. When the matter was taken up for consideration, the learned Special Government Pleader appearing for the first respondent, on instructions, would submit that there are totally 28 persons encroaching the temple lands, out of which, 13 persons have filed petitions before the Joint Commissioner under



W.P.No.9916 of 2018

Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act (hereinafter referred to as HR & CE Act), which are pending, and insofar as other encroachers are concerned, eviction proceedings have already been initiated by the Joint Commissioner, but they were challenged by filing revisions before the Commissioner under Section 21 of the HR&CE Act and the same are also pending.

4.In view of the above submissions made by the learned Special Government Pleader appearing for the first respondent, this Court, without expressing any opinion on the merits of the case, directs the authorities concerned to dispose of the pending petitions/revisions, as the case may be, after providing reasonable opportunity of hearing to all the parties concerned, and thereafter, pass necessary orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. There is no order as to costs.

[R.M.D,J.] [M.S.Q, J.]
08.03.2023

r n s
Speaking Order / Non-speaking order
Internet : Yes.
Index : Yes/No



W.P.No.9916 of 2018

WEB COPY

To

- 1.The Principal Secretary,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
- 2.The Executive Officer,
Arul Migu Sri Venugopalaswamy Thirukovil,
No.90, Kunnavakkam Village & Post Via Natham,
Chengalpattu - 603 002.
- 3.The District Collector,
Kancheepuram District,
Collectorate Compound, Vandavasi Road,
Kancheepuram - 631 501.
- 4.The Revenue Divisional Officer,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
- 5.The Tahsildar,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu 603 001.
- 6.The Block Development Officer,
Kattankulathur Panchayat Union,
Chennai Trichy Highway,
Grand Southern Trunk Road,
Maraimalainagar,
Kancheepuram District - 603 203.
- 7.The Special Officer - Kunnavakkam Panchayat,
Kunnavakkam Panchayat Office,
Kunnavalam, Chengalpattu - 603 001.



WEB COPY



W.P.No.9916 of 2018

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

r n s

W.P.No.9916 of 2018

08.03.2023