



WEB COPY



WP. Nos.91 and 17051 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition Nos. 91 and 17051 of 2018
and
WMP. Nos. 20298 and 20299 of 2018

P.P. Ayil Naidu

.. Petitioner in WP No.91 of 2018

1. Lakshmi
2. Kathirvel
3. Gurumurthy
4. Selvaraj

.. Petitioners in WP.No.17051 of 2018

Versus

1. The Commissioner
Hindu Religious and Charitable Endowment and
Administration Department
College Road, Nungambakkam
Chennai.
2. The Joint Commissioner
Hindu Religious and Charitable Endowment
and Administration Department
Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
and Administration Department
Villupuram.



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4. The Executive Officer,
Arulmigu Puthuvazhi Amman Temple,
Koliyanur, Villupuram District.

5. The District Collector
Villupuram District
Villupuram.

6. The Thasildhar
Villupuram.

7. Selvarasu

8. K.Prabu

9. Ganapathy

10. Gurumurthy

11. Palani

12. Saravanan

.. Respondents in WP.No.91 of 2018

1. The Commissioner
Hindu Religious and Charitable Department
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai.

2. The Joint Commissioner
Hindu Religious and Charitable Department
Villupuram.

3. The Assistant Commissioner,
Hindu Religious and Charitable Department,
Villupuram.

4. The Executive Officer
Arulmigu Muthumariyamman Thirukovil,
Having office at
Arulmigu Puthuvali Amman Temple,
Koliyanur,
Villupuram Taluk and District.

5. P.P.Ayil Naidu
(R-5 Suomotu impleaded as per order dated



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18.07.2018 in WP No. 17051 of 2018)

.. Respondents in WP.No.17051 of 2018

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Prayer in WP. No. 91 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action under Section 78 of the Tamilnadu Hindu Religious and Charitable Endowment Act, and thereby remove the encroachers from the Temple properties in Wet Survey No.445/1-0.56.00 ares, Wet S.No.445/3-0.18.00 ares, Dry S.No.478/1-2 hectares and 33.50 ares and Dry S.No.478/4-1 hectare 32.50 ares, situate at Panchamadevi Village, Villurpuram District

Prayer in WP.No.17051 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioners tenancies with the Arulmigu Muthu Mariyamman Temple, Panchamadevi Village, P.Villuianur Post, Villupuram Taluk and District comprised in Survey No.478/3 and 478/4 in respect of the petitioners houses are concerned based on the representation dated 14.05.2018 submitted in person with the second respondent forthwith.

For Petitioner

in WP.No.91 of 2018

: Mr.M.Gnanamoorthy

For Petitioner

in WP.No.17051 of 2018

: Mr.C.Prabakaran

For R1 to R3, R5, R6

in WP.No.91 of 2018

and R1 to R4

in WP.No.17051 of 2018

: Mr.A.Selvendran
Special Government Pleader

For R7 to R12 in WP.No.91 of 2018

: Mr. C. Prabakaran

For R4 in WP.No.91 of 2018

: No appearance

For R5 in WP.No.17051 of 2018

: Mr. N. Suresh



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COMMON ORDER

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

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The reliefs sought for in these writ petitions are inter-connected with each other and therefore, they are taken up for hearing together.

2. The petitioner in WP No. 91 of 2018 seeks to issue a Mandamus to remove the encroachments caused by the respondents 7 to 12 in the lands belonging to Arulmighu Muthumari Amman Temple.

3. On the other hand, WP No. 17051 of 2018 has been filed by the petitioners stating that they are residing in the aforesaid temple lands and are also safeguarding the temple properties for which they are not paid salary. It is further stated by the petitioners in WP No. 17051 of 2018 that they are residing in the lands belonging to the temple for atleast seven decades, generation after generation. While so, they cannot be regarded as encroachers of the temple lands. It is further stated that the second petitioner in WP No. 17051 of 2018 is playing *Nadaswaram* in the temple during the festivals and the other petitioners are also doing service to the temple along with their family members for several years. However, on the basis of the writ petition filed by the petitioner in WP No. 91 of 2018 (filed by the fifth respondent in WP No. 17051 of 2018) they are sought to be evicted from the temple lands.



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Hence, the petitioners in WP No. 17051 of 2018 have submitted representations to the second respondent - Joint Commissioner indicating the above facts *inter alia* to regularise their tenancy in the temple lands. However, so far no order has been passed thereof and therefore, WP No. 17051 of 2018 has been filed.

4. We have heard the learned counsel for the parties and perused the materials placed on record.

5. It is seen from the records that the petitioners in WP No. 17051 of 2018 have submitted a representation dated 14.05.2018 to the second respondent, claiming that they are residing in the temple lands for several decades and are rendering service to the temple in some form or the other and hence, sought to regularise their tenancy. Admittedly, no order has been passed on the representation dated 14.05.2018 till date. Having regard to the submissions made by the counsel for all the parties, without going into the merits of the case, the second respondent in WP No. 17051 of 2018 is directed to consider the representation dated 14.05.2018 of the petitioners, after affording an opportunity of hearing to them as also the petitioner in WP No. 91 of 2018 (fifth respondent in WP No. 17051 of 2018) and other parties



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concerned and pass appropriate orders thereof on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.]

[M.S.Q., J.]

01.02.2023

Index : Yes / No

Internet : Yes / No

av/rsh

To

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College road, Nungambakkam, Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment
and Administration Department, Villupuram.

3. The Assistant Commissioner,
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4. The Executive Officer,
Arulmigu Puthuvazhi Amman Temple,



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Koliyanur, Villupuram District.

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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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