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WP Nos. 21450 of 2018 & 35383 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :

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

Writ Petition No. 21450 of 2018
Writ Petition No. 35383 of 2019
and
W.M.P. Nos. 25193 and 25194 of 2018

WP No. 21450 of 2018

V. Narasimhan
Hereditary Trustee of the Arulmighu
Amachar-Potharaja Temple
Son of Late. Venkataramannaidu
No.100, Mariyamman Koil 10th Street
Tiruvannamalai Town and District

.. Petitioner

Versus

1. The District Collector
Tiruvannamalai District
2. The District Revenue Officer
Tiruvannamalai District
3. The Thahsildar
Tiruvannamalai Taluk and District
4. The Revenue Divisional Officer
Tiruvannamalai Taluk and District
5. Assistant Director of Panchayat
Office of the Collectorate
Tiruvannamalai District.



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6. The Commissioner
Tiruvannamalai Municipality
Tiruvannamalai.

7. The Special Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam, Chennai – 600 034

8. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram.

9. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Thiruvannamalai.

10. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Rep. by its Chairman and Managing Director
NPKKR Maligai, 144, Anna Salai
Chennai – 600 002.

11. The Superintending Engineer
TANGEDCO
Tiruvannamalai

12. The Assistant Executive Engineering
(Operation and Maintenance)
TANGEDCO, Thamarai Nagar Region
Tiruvannamalai

13. The Junior Engineer
(Operation and Maintenance)
TANGEDCO, Thamarai Nagar Region
Tiruvannamalai.

14. Shamim
Wife of Sheik Nooruddeen
No.104-A, Mariyamman Koil 10th Street
Tiruvannamalai Town and District



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15. State rep. by
The Inspector of Police
Thiruvannamalai Town Police Station
Thiruvannamalai Town and District

.. Respondents

WP No. 21450 of 2018

V. Narasimhan

.. Petitioner

Versus

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2. The District Revenue Officer
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Chennai – 600 034.
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7. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Thiruvannamalai

.. Respondents

W.P. No. 21450 of 2018:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 9 to consider the petitioner's representation dated 13.07.2018 at the earliest and consequently direct the concerned authority to initiate



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necessary action to stop the further unauthorized construction work to be done by the 14th respondent in the part of the temple property out of the total extent of 5.10 acres comprised in S.No. 346, Patta No.1446, Block No.10, Ward No.4 situated at Tiruvannamalai Town and District and restore the temple property.

W.P. No. 35383 of 2019:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 18.05.2017 which was sent on 08.07.2017 and also another representation dated 13.07.2018 as early as possible by restoring the patta in the name of original name, namely, Ammachar-Potharaja Temple, Tiruvannamalai in respect of the total extent of 5.10 acres comprised in S.No.346, Patta No.1446, Block No.10, Ward No.4 situated at Tiruvannamalai Town and District.

For Petitioner : Mr. B. Ramakrishnan
in both the Writ Petitions

For Respondents : Mr. A. Selvendran
Special Government Pleader
for R1 to R5 & R15 in W.P. No.21450/2018

Mr. A.S. Thambusamy for R6 in WP 21450

Mr. N.R.R. Arun Natarajan
Special Government Pleader for RR7 to 9
in WP No. 21450 of 2018

Mr. S.Panneer Selvam for R14
in WP No. 21450 of 2018

R10 to R13-No appearance
in WP No. 21450 of 2018

Mr. A.Selvendran
Special Government Pleader
for R1 to R4 in W.P. No. 35383/2019

Mr. N.R.R. Arun Natarajan
Special Government Pleader
for R5 to R7 in WP No. 35383 of 2019



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COMMON ORDER

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

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Heard the learned counsel for the parties and perused the materials placed on record.

2. In the affidavit filed in support of WP No. 21450 of 2018, the petitioner would state that his grand father - Murahari Naidu and his father Venkataramana Naidu were looking after the affairs of Arulmighu Amachar - Potharaja Temple as it's hereditary trustees and after their death, he is functioning as hereditary trustee. It is stated by the petitioner that the income generated from the property of the temple was grossly insufficient to maintain the temple and therefore, he approached his uncle Shankara Naidu. After discussion, the petitioner, his brother and his uncle Shankara Naidu have executed a power of attorney on 11.11.2002 in favour of one Velu. On the strength of the power of attorney deed, OP No. 1 of 2003 was filed under Section 34 of the Indian Trust Act before the learned Principal District Judge, Tiruvannamalai seeking permission to sell a portion of the property of the temple in Survey No.346 measuring 5 acres and 10 cents situated at Tiruvannamalai Town and District. The Original Petition was allowed on 30.07.2003 permitting alienation of the property with a direction to deposit the



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sale consideration in any Nationalised Bank in Tiruvannamalai and the accrued interest shall be withdrawn for the purpose of performing the daily pooja and other religious rites. As against the order dated 30.07.2003, the sisters and mother of the petitioner have filed CRP (NPD) Nos. 3067 of 2007 and 1840 of 2008 before this Court. By order dated 15.12.2011, this Court allowed the Civil Revision Petitions and set aside the order dated 30.07.2003 passed in OP No. 1 of 2003.

3. According to the petitioner, during the pendency of CRP (NPD) Nos. 3067 of 2007 and 1840 of 2008, based on the order dated 30.07.2003 passed in Trust OP No. 1 of 2003, he executed a sale deed dated 15.12.2008 registered as document No. 4711 of 2008 on the file of the Sub-Registrar, Tiruvannamalai in favour of the 14th respondent herein. However, since the order dated 30.07.2003 in Trust OP No. 1 of 2003 was set aside by this Court by order dated 15.12.2011 passed in CRP (NPD) Nos. 3067 of 2007 and 1840 of 2008, the 14th respondent has no right whatsoever to claim any right in the property covered in the sale deed dated 15.12.2008 and the property got automatically restored to the temple. Notwithstanding the same, the 14th respondent attempted to put up a construction in the said property of the temple and she also obtained temporary electricity service connection in



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her name from the 12th and 13th respondents. Therefore, the petitioner submitted a representation dated 13.07.2018 to the respondents 1 to 9 requesting them to take appropriate action against the 14th respondent and to stop all further construction put up by her in the property of the temple. According to the petitioner, the 14th respondent, without any right, is attempting to construct the property in the lands belonging to the temple and therefore, he has filed WP No. 21450 of 2018 for the relief mentioned supra.

4. The petitioner also filed WP No. 35383 of 2019 contending that on the basis of the general power of attorney issued in favour of one Velu on 11.11.2002, Trust OP No. 1 of 2003 was filed for alienation of the temple property. Pursuant to the order dated 30.07.2003 passed in Trust OP No. 1 of 2003, the power agent had executed a sale deed dated 09.09.2004 in favour of one Thennarasu. On the strength of the sale deed dated 09.09.2004, the said Thennarasu had obtained patta in his name. Further, the said Thennarasu also submitted application seeking layout approval and obtained it from the competent authority on 19.01.2006. On the basis of the layout approval, the said Thennarasu has also developed the lands belonging to the temple in an approved layout called "Anbu Nagar". However, the subsequent acts carried on by the said Thennarasu can no longer bind the



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petitioner inasmuch as the order dated 30.07.2003 passed in Trust OP No. 1 of 2003 was set aside by this Court on 15.12.2011 in CRP (NPD) Nos. 3067 of 2007 and 1840 of 2008. Therefore, the revenue authorities ought not to have issued Patta in the name of Thennarasu and the patta deserves to be cancelled. For this purpose, the petitioner submitted representations dated 18.05.2017 and 13.07.2018 to the fourth respondent for restoration of patta in the name of the temple, but so far, no action has been taken thereof, hence, WP No. 35383 of 2019 has been filed.

5. The learned counsel for the petitioner in these writ petitions submit that the representations submitted by the petitioner are pending before the official respondents without any orders being passed. Therefore, the learned counsel for the petitioner submitted that a direction may be given to the respondents to consider the petitioner's representations and to pass orders thereof within a time frame to be stipulated by this Court

6. The learned Special Government Pleader appearing for the respondents has no serious objection for such a direction to be issued in these writ petitions.



7. The learned counsel appearing for the fourteenth respondent in WP No. 21450 of 2018 submitted that on the basis of the objections raised by the petitioner, construction work was stopped and electricity service connection provided to the 14th respondent was disconnected by the respondents 12 and 13. Therefore, the 14th respondent has submitted necessary application for restoration of electricity service connection and it is pending. The learned counsel for the 14th respondent therefore prayed this Court to direct the 12th and 13th respondents in WP No. 21450 of 2018 to consider the claim of the 14th respondent also, while directing the authorities to consider the representations submitted by the petitioner.

8. In view of the above, this Court, without expressing any opinion on merits, directs the fourth respondent in WP No. 35383 of 2019 to consider the representations submitted by the petitioner on 18.05.2017 and 13.07.2018, after affording an opportunity of hearing to the petitioner, 14th respondent and others and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. It is also directed that depending on the orders to be passed by the fourth respondent in WP No. 35383 of 2019, the claim of the 14th respondent for restoration of electricity service connection shall be considered by the 12th and 13th respondents in WP



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No. 21450 of 2018 on its own merits and in accordance with law.

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9. With the above directions, both the writ petitions are disposed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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

21.02.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

Maya/rsh

To

1. The District Collector
Tiruvannamalai District
2. The District Revenue Officer
Tiruvannamalai District
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Tiruvannamalai

<https://www.mhc.tn.gov.in/judis>



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

Maya/rsh

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