



Writ Petition No.14750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.14750 of 2023

V.M.Gopalakrisshnan
S/o.C.Vembusamy

...Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Erode District.
- 2.The District Revenue Officer,
Erode District.
- 3.The Revenue Divisional Officer,
Erode Division, Erode.
- 4.The Revenue Tasildhar,
Erode Taluk, Erode District.
- 5.The Commissioner,
Hindu Religious and Charitable Endowments Board,
119, Uthamar Gandhi Salai,
Nungambakkam Road,
Chennai - 600 034.
- 6.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Erode District.



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7.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Erode District.

8.Gangapuram Vinayakar Maariamman and Kannimar Temple,
represented by its Executive Officer,
No.15, Gangapuram Village,
Erode Taluk, Erode District.

9.M.Muthu Venkatrayan
S/o.Late Muthu Amaravathi Gounder

10.Sivasankari
W/o.Sampath Kumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the fifth respondent to recover the possession of the land to an extent of 8.59 acres in R.S.No.52/1, 53/1, 55/1, 55/2 in Gangapuram Village, Erode Taluk, Erode District, from private parties and handover the same to Gangapuram Vinayakar Maariamman and Kannimar temple and further to grant patta in favour of the said temple.

For Petitioner : Mr.R.Vigneswari
for Mr.M.Guruprasad

For Respondents : Mr.A.M.Ayyathurai
Government Advocate [R1 to R4]
Mr.N.Arun Natarajan
Special Government Pleader [R5 to R8]

ORDER



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This writ petition has been filed for a direction to the Hindu Religious and Charitable Endowments Department [for brevity 'the Department'] to recover possession of vast lands measuring 8.59 acres belonging to the temple, which is said to be in the illegal occupation of the respondents 9 and 10.

2. When the writ petition came up for admission on 01.06.2023, this Court passed the following order:

"Mr.A.M.Ayyathurai, learned Government Advocate takes notice on behalf of the respondents 1 to 4. Mr.N.Arun Natarajan, learned Special Government Pleader takes notice on behalf of the respondents 5 to 8.

2.The writ petition has been filed for a direction to the Commissioner of HR and CE to recover the possession of vast extent of lands measuring 8.59 acres which is said to be in the illegal occupation of the 9th and 10th respondents. The learned Special Government Pleader submitted that a survey needs to be conducted in order to ascertain the actual extent of land that is in possession of the 9th and 10th respondents and hence, sought for sometime to complete this process and to report before this Court on the further course of action.

3.Post this case under the caption “for orders” on **15.06.2023.”**

3. When the matter was taken up for hearing today, Ms.A.Kirthiga,



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Executive Officer, Erode, was present in Court.

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4. On instructions from the Executive Officer of the temple, learned Special Government Pleader submitted that the survey was not able to be conducted since the private respondents are causing law and order problem. Therefore, it was submitted that the Executive Officer will get the police protection and thereafter, the Tahsildar belonging to the Department will conduct the survey and identify the lands belonging to the temple.

5. In the considered view of this Court, the Department has already taken steps to conduct the survey and there seems to be some resistance from the private respondents. Hence, it is left open to the Executive Officer to seek for police protection and the jurisdictional police, viz., Inspector of Police, Chitode Police Station, Erode Taluk, Erode District, shall afford police protection and the survey shall be conducted by the Tahsildar belonging to the Department. The identity of the property shall be made based on the documents/title deeds. Once the temple property is identified, immediate steps shall be taken by the Executive Officer to recover possession of the property. It will also be left open to the Department to



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prosecute the appeal that is already pending before the District Revenue Officer, Erode District, for cancellation of patta issued in favour of private individuals and to restore the same in the name of the temple. The District Revenue Officer, Erode District, shall pass appropriate orders in the appeal filed by the temple after affording opportunity to all the parties concerned within a period of six (6) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of in the above terms. No costs.

15.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The District Collector,
District Collector Office,
Erode District.
2. The District Revenue Officer,
Erode District.

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- 3.The Revenue Divisional Officer,
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