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WP Nos. 12757, 12958 & 12984/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Writ Petition Nos.12757, 12958 and 12984 of 2023
and
WMP. Nos. 12567, 12619, 12620, 12621, 12644, 12737,
12738, 12739, 12741, 12743, 12744, 12774, 12776, 12778,
12782, 12783 and 12784 of 2023

B. Jagannath

.. Petitioner in all the Writ
Petitions

Versus

1. The Revenue Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.,
George, Chennai - 600 009.
2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
3. The Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE),
Nungambakkam, Chennai - 600 034.
4. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department, (HR & CE), (Temple Lands),



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Headquarters, Nungambakkam,
Chennai - 600 034.

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5. The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Department, (HR & CE),
Chennai District.
6. The Executive Officer,
Hindu Religious & Charitable Endowments
Department, (HR & CE),
Arulmigu Vadaplani Murugan Temple,
Chennai District.
7. The District Collector,
Chennai District,
Chennai - 600 001.
8. The District Registrar,
Central Chennai,
Registration Department,
Chennai.
9. The District Registrar,
South Chennai,
Registration Department,
Chennai.
10. The District Registrar,
North Chennai,
Registration Department,
Chennai.
11. The District Registrar,
Registration Department,
South Chennai Joint - II,
Chennai.
12. The Commissioner,
Chennai City Police,

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Vepery, Chennai - 600 003.

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13. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai.

14. The Commissioner,
Tambaram Corporation,
Tambaram, Chennai.

15. The Superintendent Archeologist,
Archaeological Survey of India,
Chennai Circle, Ministry of Culture,
Government of India, Fort St, George,
Chennai - 600 009.

.. Respondents in WP.No.12757 of

2023

1. The Revenue Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.,
George, Chennai - 600 009.

2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

3. The Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE),
Nungambakkam, Chennai - 600 034.

4. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department, (HR & CE), (Temple Lands),
Headquarters, Nungambakkam,
Chennai - 600 034.

5. The Assistant Commissioner,
Hindu Religious & Charitable Endowments

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Department, (HR & CE),
Chennai District. Nungambakkam,
Chennai - 600 034.

6. The Executive Officer,
Hindu Religious & Charitable Endowments
Department, (HR & CE),
Arulmigu Sri Parthasarathy Perumal
Vaishnavaita Divya Desam Temple,
Chennai - 600 005.

7. The District Collector,
Chennai District,
Chennai - 600 001.

8. The District Collector,
Kanchipuram District,
Kanchipuram.

9. The District Collector,
Thiruvallur District,
Thiruvallur.

10. The District Collector,
Chengalpet District,
Chengalpet.

11. The District Registrar,
Central Chennai,
Registration Department,
Chennai.

12. The District Registrar,
South Chennai,
Registration Department,
Chennai.

13. The District Registrar,
North Chennai,
Registration Department,



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- Chennai.
14. The District Registrar,
Registration Department,
South Chennai Joint - II,
Chennai.
15. The District Registrar,
Registration Department,
Kanchipuram District,
Kanchipuram.
16. The District Registrar,
Registration Department,
Chengalpet District,
Chengalpet.
17. The District Registrar,
Registration Department,
Thiruvallur District,
Thiruvallur.
18. The Commissioner,
Chennai City Police,
Vepery, Chennai - 600 003.
19. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai.
20. The Commissioner,
Tambaram Corporation,
Tambaram, Chennai.
21. The Superintendent Archeologist,
Archaeological Survey of India,
Chennai Circle, Ministry of Culture,
Government of India, Fort St, George,
Chennai - 600 009. .. Respondents in WP.No.12958 of 2023

1. The Revenue Secretary,

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Government of Tamil Nadu,
Secretariat, Fort St.,
George, Chennai - 600 009.

2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
3. The Commissioner,
Hindu Religious & Charitable Endowments
Department (HR & CE),
Nungambakkam, Chennai - 600 034.
4. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department, (HR & CE), (Temple Lands),
Headquarters, Nungambakkam,
Chennai - 600 034.
5. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department, (HR & CE),
Kanchipuram.
6. The Executive Officer,
Arulmighu Devaraja Perumal Temple,
Hindu Religious & Charitable Endowments Department,
Kanchipuram.
7. The District Collector,
Chennai District,
Chennai - 600 001.
8. The District Collector,
Kanchipuram District,
Kanchipuram.
9. The District Collector,
Thiruvallur District,

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Thiruvallur.

10. The District Collector,
Chengalpet District, Chengalpet.

11. The District Collector,
Villupuram District,
Villupuram.

12. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

13. The District Collector,
Vellore District, Vellore.

14. The District Collector,
Arakonam District,
Arakonam.

15. The District Registrar,
Central Chennai,
Registration Department,
Chennai.

16. The District Registrar,
South Chennai,
Registration Department,
Chennai.

17. The District Registrar,
North Chennai, Registration Department,
Chennai.

18. The District Registrar,
Registration Department,
South Chennai Joint-II,
Chennai.

19. The District Registrar,
Registration Department,



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- Kanchipuram District, Kanchipuram.
20. The District Registrar,
Registration Department,
Chengalpet District,
Chengalpet.
21. The District Registrar,
Registration Department,
Thiruvallur District,
Thiruvallur.
22. The Commissioner,
Chennai City Police,
Vepery, Chennai - 600 003.
23. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai.
24. The Commissioner,
Tambaram Corporation,
Tambaram, Chennai.
25. The Commissioner,
Kanchipuram Municipality,
Kanchipuram.
26. The Superintendent of Police,
Kanchipuram District.
27. The Superintendent Archeologist,
Archaeological Survey of India,
Chennai Circle, Ministry of Culture,
Government of India,
Fort St, George, Chennai - 600 009.

.. Respondents in WP.No.12984 of
2023

Writ Petitions filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the respondents herein to place all lands



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belonging to the aforementioned Temples under Section 22A of Registration Act (Refusal to Register) and cancel all fraudulent illegal Registrations including fraudulent Revenue Records in accordance with law as per Section 77 of the Registration Act and consequently direct the Respondents herein to Remove all encroachments & all illegal Unauthorised Superstructures in temple lands as per Section 78 of the Hindu Religious & Charitable Endowment Department Act within a responsible time frame in accordance with law.

- For Petitioner : Mr. Ravi, Senior Advocate
for Mr. B. Jagannath,
Petitioner - in - Person in all cases
- For R1, 7 to R12 : Mr. N. Naveen Kumar,
Government Advocate in all cases
- For R3 to R6 : Mr. NRR. Arun Natarajan,
Special Government Pleader in all cases
- For R13 : Ms. K. Aswini Devi, Standing Counsel
for Corporation in all cases

COMMON ORDER

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

The petitioner is a practising advocate. He claims himself to be an ardent devotee of Lord Kapaleeswara in Mylai Kapaleeswarar Temple. As a devotee and a person having interest in the temples across the State, as defined under Section 6 (15) (b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, he claims that he has *locus standi* to file this writ petition in public interest. In order to lend strength to his submission that the writ petition filed by him is maintainable, he placed reliance on the order dated 06.06.2011 passed by this Court in Writ Petition No. 8270 of 2011 in the case of *V.*



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Thiagarajan vs. State of Tamil Nadu. In that case, the petitioner therein is a devotee of the temple and he wants to challenge a commercial transaction, which is sought to be made on behalf of the temple. Therefore, it was held that the petitioner is a person having interest in the affairs of the temple and the writ petition filed by him is maintainable.

2. Referring to the divine fame, glory and greatness of Lord Vadapalani Andavar Temple, Vadapalani; Parthasarathy Temple at Triplicane, as also the Kapaleeswarar Temple at Mylapore, the petitioner would submit that the said temples are in existence for more than 120 years. It is further stated that several thousands of Hindu devotees throng these temples on all days. The temples are situated in a bustling locality in the City of Chennai. The devotees have donated several tracts of lands as endowment to these temples over a period of century. The said temples are being administered by the Hindu Religious and Charitable Endowment Department (in short, HR & CE Department) for more than 70 years. According to the petitioner, the lands donated to the temples stretch across the length and breadth of the city, beyond the boundaries of the erstwhile City of Madras. However, most of the lands have been alienated with the connivance of the registration and revenue authorities by the encroachers. It is also stated by the petitioner that mutation



of false entries in the revenue records, registration through impersonation, double documentation, forgery, false patta, material alterations in revenue records, creation of fraudulent and forged patta, chitta adangal are rampant which resulted in usurping of valuable lands endowed to these temples. Therefore, in order to protect and safeguard the lands endowed to these temples, the present writ petitions have been filed.

3. The learned Senior Counsel for the petitioner submits that Section 22-A of the Registration Act empowers the registering authority to refuse registration if the registration pertains to temple lands belongs to HR & CE Department. He has also invited the attention of this Court to Section 77-A of the Registration Act, which empowers the registering authority to cancel the documents either *suo motu* or on a complaint received from any person, if registration of a document is made in contravention to Section 22-A or 22-B of the Registration Act. The learned Senior counsel further submitted that this Court, on several occasion, held that if the lands belong to the temples, registration must be refused as there is a specific statutory bar under Section 22A of the Registration Act coupled with Section 34 of the HR & CE Act. However, the registering authority entertains registration of the documents pertaining to temple lands intentionally which resulted in alienation of huge



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tracts of lands belonging to these temples. Thus, according to the learned Senior counsel for the petitioner, several tracts of the temple lands have been encroached upon or alienated by land grabbers in connivance with the officials of the revenue and registration department and it has to be strictly prohibited. He also contends that unless periodical audit of the lands owned and endowed in favour of the temple is taken up, the encroachers could not be identified and the lands of the temples cannot be reclaimed. In this context, the petitioner has submitted a representation dated 01.03.2023 to the respondents and inspite of receipt of the same, no action has been taken and therefore, he prayed for issuing appropriate direction to consider the representation dated 01.03.2023 of the petitioner and to take action thereof.

4. The learned Special Government Pleader appearing for the respondents 3 to 6 in all these writ petitions would submit that the averments in the affidavit filed in support of the writ petition are generic and non-specific. The petitioner has not furnished the description of the land(s), location of the land(s), extent of the land(s) or the person(s) who had unauthorisedly alienated the temple lands. Unless the petitioner furnishes specific details and/or particulars of the lands said to have been illegally alienated, the Department will not be in a position to act upon the same. The learned Special Government



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Pleader therefore submits that the writ petitions are devoid of any merits and they are liable to be dismissed.

5. We have heard the learned Senior counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 3 to 6 and the other counsel appearing for the respective parties. We have also perused the materials placed on record.

6. On going through the averments made in the affidavit filed in support of the writ petitions, we find that the petitioner has not furnished the particulars relating to the locality of the land (s), the survey number of the land, nature of encroachment, registration particulars etc. Unless these particulars are made available, the respondents cannot take up any action thereof. Even in the representation dated 01.03.2023 of the petitioner, these particulars are absent. Therefore, without expressing any opinion on the merits of the case, we direct the petitioner to submit a representation afresh furnishing the details, such as, description of the land(s) owned by the temples, extent of the land(s), locality of the land(s), particulars of registration etc. to the respondents 3 to 6, with copies marked to the other respondents including the Inspector General of Registration, Chennai, within a period of four weeks from



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the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the respondents 3 to 6 shall take appropriate action with regard to removal of unauthorised lands and intimate the same to the registering authority as also to the respective Commissioner, Joint Commissioner or Executive officer (s) of the Temples within a period of four weeks thereafter. Upon receipt of such communication from the HR & CE department, the Registering authority shall act upon the same and cancel the documents, if any, registered earlier, in exercise of powers conferred under Section 22-A of the Registration Act, after following the procedures contemplated thereof, within a period of four weeks thereafter.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D., J.) (P.D.A., J.)

10.11.2023

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Internet : Yes / No

Index : Yes/No

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18. The District Collector,
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Thiruvannamalai District,
Thiruvannamalai.



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27. The District Collector,
Vellore District, Vellore.

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28. The District Collector,
Arakonam District,
Arakonam.

29. The Commissioner,
Kanchipuram Municipality,
Kanchipuram.

30. The Superintendent of Police,
Kanchipuram District.



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