



W.P.No.13494 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.13494 of 2021

A.Radhakrishnan
S/o.T.Arumuga Gounder,
Kannankurichi,
Salem 636 008.

.. Petitioner

Vs.

1.The Chief Secretary to Government,
Secretariat,Chennai 600 009.

2.The Vigilance Commissioner,
Secretariat,Chennai 600 009.

3.The Secretary to Government,
Public (Law and order - C) Department,
Secretariat,Chennai 600 009.

4.The Secretary to Government,
Personnel and Administrative Department,
Secretariat,Chennai 600 009.



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5.The Secretary to Government (Training),
Personnel and Administrative (Inspection Cell) Department,
Secretariat,Chennai 600 009.

6.The Secretary to Government,
Revenue Department, Secretariat,Chennai 600 009.

7.The Secretary to Government,
Home Department, Secretariat,Chennai 600 009.

8.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,Chennai 600 009.

9.The Secretary to Government,
Panchayat Raj and Rural Development Department, Secretariat,Chennai 600
009.

10.The Secretary to Government,
Housing and urban Development Department,
Secretariat,Chennai 600 009.

11.The Secretary to Government,
Commercial Taxes and Registrations Department, Secretariat,Chennai 600
009.

12.The Secretary to Government,
Energy Department, Secretariat,Chennai 600 009.

13.The Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat,Chennai 600 009.

14.The Commissioner of Revenue Administration,
Chepauk, Chennai 600 005.



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15.The Commissioner of land Administration,
Chepauk, Chennai 600 005.

16.The Director of Survey and Settlements,
Chepauk, Chennai 600 005.

17.The Director General of Police,
Dr.Radhakrishnan Salai, Chennai 600 004.

18.The Superintendent of Police,
Anti Land Grabbing Special Cell,
Director General of police Office,
Dr. Radhakrishnan Salai, Chennai 600 004.

19.The Director of Vigilance and Anti Corruption,
Alandur, Chennai 600 016.

20.The Director of Municipal Administration,
Urban Administrative Building,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

21.The Director of Town Panchayats,
Urban Administrative Building,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

22.The Director of Panchayat Raj and
Rural Development, Panagal Maligai,
Saidapettai, Chennai 600 016.

23.The Director of Town and Country Planning,
C and E Market Road,
Koyambedu, Chennai 600 107.



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24.The Inspector General of Registrations,
100, Santhom High Road, Pattinapakkam, Chennai 600 028.

25.The Chairman,
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru. Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

26.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
6th Floor, TANTRANSCO Building,
144, Anna Salai, Chennai 600 028.

27.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam, Chennai 600 034.

28.The Inspector General of police,
West Zone, Coimbatore 641 018.

29.The Special Officer of Temple Lands
Cum District Revenue Officer,
Hindu Religious and Charitable Endowments Department, Coimbatore.

30.The District Executive Magistrate-cum-Collector,
Namakkal 637 003.

31.The Taluk Executive Magistrate-cum-Tahsildar,
Kumarapalayam 637 209, Namakkal District.

32.K.S. Managayarkarasi,
Previous Joint Commissioner, Hindu Religious and Charitable Endowments
Department, Salem 636 001.



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Now working as Joint Commissioner, Hindu Religious and Charitable Endowments Department, 20 F, Chinnamuthu Street, Perundurai Road, Erode 638 001.

33.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
20F, Chinnamuthu Street, Perundurai Road,
Erode 638 001.

34.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department, Collectorate Campus, Namakkal 637 003.

35.The Executive Officer,
Arulmigu Kasivisveshwarar Swamy Temple,
Pallipalayam 638 006, Kumarapalayam Taluk,
Namakkal District.

36.S.Muniyappan,
S./o.Chellappan, Near Madheswaran Temple,
Sankagiri Main Road, Pallipalayam Agraharam 638 008, Kumarapalayam Taluk, Namakkal District.

37.G. Duraisamy,
S/o.Gurusamy, Pappathi Kadhu,
Sankagiri Main Road, Pallipalayam Agraharam 638 008, Kumarapalayam Taluk, Namakkal District.

38.THE PROPRIETOR,
M/S. VELAVAN HYPERMARKET, THOOTHUKUDI.

39.SUBBIAH THARUMANITHI TRUST
COMMITTEE, THOOTHUKUDI.

40.THE DISTRICT COLLECTOR,
THIRUVANNAMALAI.



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41. THE DISTRICT COLLECTOR,
THOOTHUKUDI.

.. Respondents

(R38 to R41 *suo motu* impleaded *vide* order dated 06.07.2021 made in
W.P.No.13494 of 2021)

Writ Petition filed under Article 226 of the Constitution of India to
issue a WRIT OF MANDAMUS directing the respondents 27, 28, 30, 31,
33, 34 & 35 to remove the encroachments in S.F.Nos.234, 237/1 & 237/2 to
an extent of 2.2.00, 0.1.50 & 5.33.50 in Pallipalayam Agraharam Revenue
Village, Komarapalayam Taluk, Namakkal District, belonging to 35th
respondent temple with the assistance of other official respondents herein by
considering the petitioner's representation dated 09.06.2021.

For Petitioner : A.Radhakrishnan
Party-in-Person

For RR1 to 24, 28,
30, 31, 40 & 41 : Mr.T.Sampath Kumar
Government Advocate

For RR 25 & 26 : Mr.Damodharan

For RR 27, 29,
32 to 35 : Mr.N.R.R.Arun Natarajan
Spl. Government Pleader (HR & CE)

For RR 36 to 39 : No appearance



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ORDER

[Made by R.MAHADEVAN, J.]

This writ petition has been filed by the petitioner seeking a direction to the respondents 27, 28, 30, 31, 33, 34 & 35 to remove the encroachments in S.F.Nos.234, 237/1 & 237/2 to an extent of 2.2.00, 0.1.50 & 5.33.50 in Pallipalayam Agraharam Revenue Village, Komarapalayam Taluk, Namakkal District, belonging to 35th respondent temple with the assistance of other official respondents herein by considering his representation dated 09.06.2021.

2. According to the petitioner the properties belonging to the 35th respondent / temple in Survey Nos.234, 237/1 & 237/2 have been encroached by the respondents 36, 37 and several others, which resulted in huge loss to the temple (R35). In order to retrieve those lands, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that around 26,000 acres of temple lands have been encroached by the land grabbers and



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using the same for their own benefits. He further submitted that in the case on hand the lands in question belong to Arulmigu Visveswaraswamy Thirukoil, Pallipalayam Agraharam. The said temple and its properties were said to have been administered by the then Archagars, who, in turn, leased out the properties to various persons for agricultural purposes, but, at the later point of time, the lands were used for various other purposes such as for constructing residential house, commercial building i.e power loom factory, shops, workshops, *etc.* It is his further submission that the petitioner has sent representations to the authorities concerned to take action against the encroachments and encroachers, but, in vain.

4. It is also brought to our notice that the revision petition relating to the subject matter in issue, is now pending consideration before the Commissioner, HR&CE Department, Chennai, *vide* R.P.No.272 & 298 of 2022.

5. Considering the facts and circumstances of the case, this Court is inclined to issue the following directions:



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- (i) The respondents / authorities shall consider the representation of the petitioner dated 09.06.2021, conduct enquiry / survey, if not conducted earlier and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to all the parties concerned.
- (ii) The Commissioner, HR&CE Department, Chennai, shall dispose of the revision petitions in R.P.No.272 & 298 of 2022, if not, disposed of earlier.
- (iii) If there are any encroachments in the properties belonging to the Temple, the Joint Commissioner of the territorial area shall commence legal proceedings for removal of encroachments /unauthorized constructions under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 and ensure that there is atleast one effective hearing every week showing progress of the cases.
- (iv) The report of action taken shall be filed every quarter before this Court till the aforesaid directions are fully complied by the concerned authorities.

In the result, this writ petition stands disposed on the aforesaid terms.

No costs.

nsd

Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation: Yes / No

[R.M.D., J.] [P.D.A., J.]

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