



W.P.No.14586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.14586 of 2023
and W.M.P.No.14060 of 2023

R.Karthikeyan

-Vs-

.... Petitioner

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Revenue (A1) Department, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.
3. The District Collector,
Dharmapuri District, Dharmapuri.
4. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri, Dharmapuri District.
5. The Tahsildar,
Palacode Taluk, Dharmapuri District.
6. The Executive Officer,
Hindu Religious and Charitable Endowments
Department, Palacode, Dharmapuri District.

.... Respondents

Prayer :Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents and their subordinates from interfering with the peaceful possession and



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enjoyment of the temple in S.No.25 to an extent of 1-65-50 hectares situated at Erranahalli Village, Palacode Taluk, Dharmapuri District, Consequently direct the respondents to consider the representation of the petitioner dated 30.03.2023.

For Petitioner : Mr.M.R.Elavarasan
For Respondents : Mr.C.Kathiravan
Special Government Pleader
for RR 1, 3 to 5
: Mr.K.Karthikeyan
Govt. Advocate
for RR 2 and 6

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus forbearing the respondents and their subordinates from interfering with the peaceful possession and enjoyment of the temple in S.No.25 to an extent of 1-65-50 hectares situated at Erranahalli Village, Palacode Taluk, Dharmapuri District and consequently to direct the respondents to consider the representation of the petitioner dated 30.03.2023.

2. Learned counsel appearing for the petitioner submitted that the petitioner is the Village Head of Erranahalli Village and the temple in



question has been governed for more than 300 years by the Kovil Poojari and the village people and there is a post office and a school near the temple and more than 600 families consisting of 5000 people are residing surrounding the said temple. He would submit that the revenue authorities are attempting to settle the temple property to Gail Corporation Limited against the wish of the worshippers and villagers of the temple had surveyed the property. The contention of the petitioner is that if there is a leakage in the pipe going to be set out by the said Gail Corporation Limited, it would cause disturbance and health disorders to the nearby villages. The lands in which the temple is situated were donated for performing customary practices and rituals of the temple and the lands stand in the name of the temple and is not coming under the jurisdiction of the Hindu Religious and Charitable Endowments Department. The petitioner has made a representation dated 30.03.2023 to the respondents, which did not evoke any response. Hence, having no other alternative and efficacious remedy, he has filed this writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and 5 as well as the learned Government Advocate appearing for respondents 2 and 6.



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4. Learned Special Government Pleader would submit that the representation of the petitioner would be considered by the third respondent, District Collector, within a period of four weeks, after issuing notice to the sixth respondent, who is in-charge of the temple in question and also to the parties concerned.

5. Recording the said submission and also considering the limited scope of the relief sought for, without expressing any opinion on the merits of the matter, this Writ Petition is disposed of with a direction to the third respondent to consider the petitioner's representation dated 30.03.2023, after issuing notice to the sixth respondent and other necessary parties and pass appropriate orders thereon within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

6. It is made clear that till the representation dated 30.03.2023 of the petitioner is disposed of, the parties are directed to maintain status quo as on today.

05.05.2023

Index : Yes/No
Internet : Yes/No

sra/vum



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To

1. The Principal Secretary to Government of Tamil Nadu,
Revenue (A1) Department, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.
3. The District Collector,
Dharmapuri District, Dharmapuri.
4. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri, Dharmapuri District.
5. The Tahsildar,
Palacode Taluk, Dharmapuri District.
6. The Executive Officer,
Hindu Religious and Charitable Endowments,
Department, Palacode, Dharmapuri District.



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A.D.JAGADISH CHANDIRA, J.

(sra/vum)

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