



W.P.No.17302 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17302 of 2019

A.Radhakrishnan

.. Petitioner

VS

- 1.The Secretary to Government,
Tourism Culture and Endowment Department,
Secretariat,
Chennai-600 009.
- 2.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai-600 009.
- 3.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai-34.
- 4.The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.



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5.The District Collector,
Kancheepuram.

6.The Municipal Commissioner,
Kancheepuram.

7.The Executive Officer,
Arulmigu Kachabareswarar Temple,
Kancheepuram.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining tot he order passed by the third respondent in R.C.No.58809/2009 V2 dated 15.12.2009 and quash the same, consequentially issue direction directing the third respondent to restore the property in S.F.No.1274/1, 1274/2 to an extent of acre 5.00 in favour of 7th respondent temple and further direction to second respondent for awarding appropriate compensation to in favour of 7th respondent temple for utilizing the said land for a period of 10 years by considering petitioner representation dated 11.05.2019.

For the Petitioner : Mr.R.Marudhachalamurthy

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. G.P. (HR & CE)
for respondents 1 and 3

: Mr.T.K.Saravanan
Government Advocate
for respondents 2, 4 and 5

: Mr.Ramesh Bhojarajan
for respondent No.6



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: Mr.R.Karthikeyan
for respondent No.7

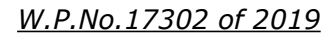
ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner; Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondents 1 and 3; Mr.T.K.Saravanan, learned Government Advocate for respondents 2, 4 and 5; Mr.Ramesh Bhojarajan, learned counsel for respondent No.6; and, Mr.R.Karthikeyan, learned counsel for respondent No.7.

2. The present petition is filed with regard to Survey Nos.1274/1 and 1274/2 to an extent of 5.00 acre.

3. It is not disputed that the writ subject-lands are owned by the seventh respondent temple. It also appears that the same were given to the sixth respondent municipality and the sixth respondent municipality has formed park in the said lands.



5. It is for the HR & CE Department to take steps as may be permissible under Section 34 of the Hindu Religious and Charitable Endowments Act, 1959 or any other provisions of the statute, of course by adhering to the procedure and the rules framed thereunder.

6. It is submitted by learned Special Government Pleader (HR & CE) that the HR & CE Department would also move for fixation of fair rent. It is for the HR & CE Department to take steps as may be permissible under law.

7. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.16832 of 2019 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

WEB COPY

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THE HON'BLE CHIEF JUSTICE
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