



W.P.No.15592 of 2014 &
M.P.No.1 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.02.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.15592 of 2014 &
M.P.No.1 of 2014

Arulmighu Kasivinayagar Kongu
Nattu Vellalar Trust,
9/123, Anaikattupalayam,
Koonavelampatti Panchayat,
Andagalurgate Post,
Rasipuram Taluk, Namakkal District,
Rep. by its President, K.Kandasamy.

... Petitioner

Vs

- 1.The District Collector,
Namakkal, Namakkal District.
- 2.The President,
Koonavelampatti Panchayat,
Rasipuram Taluk,
Namakkal District.
- 3.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005
(R3 impleaded vide order dated 31.01.2023
made in WMP.No.3984/2016 in
W.P.No.15592/2014 by ASMJ)
- 4.The Assistant Commissioner,



W.P.No.15592 of 2014 &
M.P.No.1 of 2014

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Hindu Religious and Charitable Endowment Department,
Namakkal.

(R4 suo motu impleaded vide order
dated 31.01.2023 made in
W.P.No.15592/2014 by ASMJ)

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to accord permission to the petitioner to construct Annadhana Mandapam adjacent to Vinayagar Temple at S.No.33/2, Anaikattupalayam, Koonavelampatti Village, Rasipuram Taluk, Namakkal District.

For Petitioner : Ms.Anu Ganesan

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1 & R3

Mr.P.Chinnadurai – R2

Mr.M.Bindran
Additional Government Pleader - R4

ORDER

The petitioner is the Arulmighu Kasivinayagar Kongu Nattu Vellalar Trust which claims to be managing a Vinayagar Temple ('Temple') in Survey No.33/2, Anaikattupalayam, Koonavelampatti Village, Rasipuram Taluk, Namakkal District. The temple is being administered by the persons belonging



W.P.No.15592 of 2014 &
M.P.No.1 of 2014

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to Kongunattu Vellalar Community for, admittedly more than 300 years.

Permission was sought for consideration of a new temple and a prayer hall in July, 2007.

2.While it is the claim of the petitioner that the land on which the temple stands is temple land as evidenced in the revenue records, it is the claim of the respondents that the land as well as the other buildings, being an Annadhana Mandapam and Siddha Clinic, stand on government poramboke land. The aforesaid narration would reveal the existence of disputed facts.

3.The prayer of the petitioner is for a direction to the respondents to accord permission for construction of a new Annadhana Mandapam adjacent to the temple.

4.Mr.Bindran, learned Additional Government Pleader who appears for the Hindu Religious and Charitable Endowment Department impleaded on 31.01.2023 has written instructions to state that the construction of the Annadhana Mandapam has been completed in 2020 and the Mandapam is functional as on date. What the petitioner prays for, appears to be a ratification of the construction.



W.P.No.15592 of 2014 &
M.P.No.1 of 2014

WEB COPY

5. Ms. Anu Ganesan, learned counsel for the petitioner would point out that applications had been made before R1/the District Collector and R2/the President of the Local Panchayat seeking a direction as prayed for in this writ petition and several representations have also been made spanning March, 2019 till date, that remain unaddressed.

6. Be that as it may, rival contentions revealing disputed questions of fact, it would be appropriate for the application filed before the District Collector to be disposed in accordance with law and after hearing the petitioner as well as others in the locality who are interested in the management of the community temple. Incidentally, and at this juncture, Ms. Anu Ganesan draws attention to a word of appreciation issued by the District Collector on the maintenance of the temple itself.

7. To be noted that an oral reference is made by the respondents to the application of the Development Control Rules under the Town and Country Planning Act, 1990. However, these are matters that will have to be decided by the authorities. If at all, the authorities are of the view that proper approvals are to be sought by the petitioner from any statutory authorities, let the District



W.P.No.15592 of 2014 &
M.P.No.1 of 2014

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Collector guide the petitioner appropriately in order that such approvals may be sought and obtained.

8. Notice shall be issued to the petitioner as well as other appropriate parties and the application of the petitioner dated 10.06.2014 shall be disposed within a period of twelve (12) weeks from the date of receipt of copy of this order.

9. This writ petition is disposed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

kbs

10.02.2023

Index : Yes / No

Speaking Order

Neutral Citation : Yes

Note: Issue order copy on 13.02.2023.

To

1. The District Collector,
Namakkal, Namakkal District.

2. The President,
Koonavelampatti Panchayat,
Rasipuram Taluk,
Namakkal District.



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W.P.No.15592 of 2014 &
M.P.No.1 of 2014

Dr.ANITA SUMANTH, J.

kbs

3.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Namakkal.

W.P.No.15592 of 2014 &
M.P.No.1 of 2014

10.02.2023