



WEB COPY

WP No.1896 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.1896 of 2018

And

WMP No.2382 of 2018

A.Radhakrishnan

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Chepauk,
Chennai-600 005.
- 2.The Director of Survey and Settlements,
Chepauk,
Chennai-600 005.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai-600 034.
- 4.The District Collector,
Namakkal.
- 5.The District Revenue Officer,
Namakkal.



6.The Tahsildar,
Trichengode,
Namakkal District.

7.The Assistant Settlement Officer,
Dharapuram,
Tiruppur District.

8.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem-636 001.

9.The Trustee,
Arulmigu Chozheeswarar Group of Temples,
Mallasamudram,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in Mu.Mu.3767/97 dated 05.07.1997 passed by the seventh respondent and quash the same, consequentially issue direction directing the fourth respondent to restore the properties in Survey Nos.426/33, 429, 434/1, 436/1, 440/6 in the name of Arulmigu Chozheeswarar Temple, Mallasamudram Village, Namakkal District by considering the petitioner's representation dated 17.08.2017.

For Petitioner : Mr.A.Yogaraj

For Respondents-1, 2 and
4 to 7 : Mr.T.Arunkumar,
Additional Government Pleader.



For Respondents-3 and 8 : Mr.K.Karthikeyan,
Government Advocate (HR&CE)

For Respondent-9 : Ms.AL.Gandhimathi,
Senior Counsel for
Mr.N.Kumaravelan

ORDER

The order dated 05.07.1997 issued by the Assistant Settlement Officer, Dharapuram, Tiruppur District reclassifying the temple's name in respect of the order issued, is under challenge in the present writ petition.

2. The petitioner states that the temples, namely, Arulmigu Chozheeswarar Thirukoil, Arulmigu Alaguraya Perumal Thirukoil and Arulmigu Sellandiyamman Thirukoil situated in Mallasamudram Village, Namakkal District are very ancient temples and more than thousand years old. The Report of Indian Epigraphy would clearly reveals that Arulmigu Chozheeswarar Thirukoil Thirupani was undertaken by the Rejendra Chola. It is not stated that the temple was constructed before Chola Dynasty.



3. The petitioner raised a dispute by stating that the temple being an ancient temple, the name of the Community was prefixed along with the temple's name in the order passed by the Assistant Settlement Officer in proceedings dated 05.07.1997.

4. The prefix added in the classification would portray that the temple belongs to a particular Community and the rights of the other Community people are denied.

5. The learned Government Advocate, appearing on behalf of the HR&CE Department, made a submission that the temple is falling under the Administrative control of the HR&CE Department and it is a public temple. The administration of the temple alone vested with the Trustees under the Scheme framed.

6. The Scheme framed for the administration of the temple would not change the character of the temple i.e., 'Public Temple'. Therefore, adding prefix in the name of the temple in the revenue records will lead to misguidance and the Scheme and the Trustees appointed are



unconnected with the character of the temple, which was constructed thousand years back and remained as 'Public Temple' under the control of the HR&CE Department in view of the Act. Therefore, the Assistant Settlement Officer has committed an error in naming the temple by adding prefix to the name of the temple in his proceedings dated 05.07.1997. Such adding of prefix is unnecessary and the temple is to be named in the manner, which was named prior to such order.

7. Prior to passing of the order in proceedings dated 05.07.1997, the temple was named Arulmigu Chozheeswarar Thirukoil and therefore, there is no reason to add prefix along with the name of the temple.

8. In view of the facts and circumstances, the order impugned passed by the seventh respondent in proceedings No.Mu.Mu.3767/97 dated 05.07.1997 is quashed and the fourth respondent is directed to restore the properties in in Survey Nos.426/33, 429, 434/1, 436/1, 440/6 in the name of Arulmigu Chozheeswarar Temple, Mallasamudram Village, Namakkal District. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.



9. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

21-09-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

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S.M.SUBRAMANIAM, J.

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