



W.P.No.26105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26105 of 2023
and W.M.P.No.25508 of 2023

N.Chandrasekara Rao

...Petitioner

Vs.

- 1.The Commissioner,
HR & CE Department,
Chennai.
- 2.The Joint Commissioner,
Kancheepuram Circle,
HR & CE Department,
Kancheepuram – 631 501
- 3.The Executive Officer,
Arulmigu Vembadi Vinayagar &
Vembuli Amman Vagayara Temples,
Muttukadu Village, Chengalpattu District.
- 4.The District Collector,
Chengalpattu District,
Chengalpattu.
- 5.Revenue Divisional Office,
Chengalpattu Sub-Division,
Chengalpattu.



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6.The District Revenue Officer,
Tamil Nadu Tourism Development Corporation,
Chennai.

7.The Executive Engineer,
Public Works Department,
Buildings (C&M) Division,
Chengalpattu.

8.Commissioner of Land Administration,
Chepauk, Chennai.

9.Director of Survey and Settlement,
Chepauk, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider and pass orders in the application filed by the petitioner dated 25.05.2023 within a time frame and consequently restrain the respondents 1 to 9, their men and their agents from in any way interfering with the peaceful possession and enjoyment of the petitioner in respect of Survey Nos.70, 80, 82/2A, 82/2B, 108/6F, 108/1, 108/9 and 108/10 in Muttukadu Village, Thiruporur Taluk, Chengalpattu District.

For Petitioner : Mr.Srinath Sridevan
Senior Advocate
for Mr.Guru Dhananjay

For Respondents 1 to 3 : Mr.K.Karthikeyan,
Government Advocate



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For Respondents 4 to 9 : Mrs.S.Anitha
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 1 & 2 to consider his application dated 25.05.2023, within the time fixed by this Court and also restrain the respondents 1 to 9 from interfering with the peaceful possession and enjoyment of the property in S.Nos.70, 80, 82/2A, 82/2B, 108/6F, 108/1, 108/9 and 108/10 in Muttukadu Village, Thiruporur Taluk, Chengalpattu District.

2.It is the case of the petitioner that his grand father Mr.Narayana Rao, acted as Hereditary Trustee of Arulmigu Vembadi Vinayagar & Vembuli Amman Vagayara Temples, Muttukadu Village, Chengalpattu District and after death of his grand father, the petitioner has been administering the temple as a Trustee. The petitioner submitted a representation on 25.05.2023, to the respondents 1 & 2, requesting them to recognise him as a Hereditary Trustee of the above said temple. The said representation of the petitioner has not been considered by the respondents till date. It is also stated by the petitioner that



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the 3rd respondent is making an attempt to alienate the temple properties to a convention centre and hence, the petitioner's request for recognition as a Hereditary Trustee shall be considered immediately.

3.Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 4 to 9. Mr.K.Karthikeyan, learned Government Advocate taking notice for the respondents 1 to 3, on written instructions, submits that the application filed by the petitioner dated 25.05.2023, is not in prescribed format. If any application is filed by the petitioner in the prescribed format, the same will be considered by the 2nd respondent in accordance with law. The learned Government Advocate further submits that the property of the temple situated in S.No.82/2B was let out to CMRL and the property situated in S.No.108/9 was let out to MGM resorts, after obtaining necessary sanction from the 1st respondent under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As on today, there is no proposal to alienate any other property of the temple as alleged by the petitioner. The said statement of the learned Government Advocate is recorded.



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4.If the petitioner makes a claim to the Hereditary Trusteeship of the temple, it is for him to file an appropriate application before the Competent Authority, namely the 2nd respondent, for his recognition as a Hereditary Trustee in the prescribed format. Therefore, the petitioner is directed to file an appropriate application before the 2nd respondent within a period of one week from the date of receipt of copy of this order. If any such application is filed by the petitioner, the same shall be considered by the 2nd respondent on merits and in accordance with law and final orders will be passed within a period of twelve weeks from the date of filing of the application by the petitioner in proper form.

5.With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti/nsi

Note:Issue order copy on 14.09.2023



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To

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S.SOUNTHAR, J.
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