



W.P.No.26856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26856 of 2023

G.Mariappan

...Petitioner

Vs.

- 1.The District Collector
Dharmapuri Collectorate Office
Dharmapuri.
- 2.The District Revenue Officer
Dharmapuri District
Dharmapuri.
- 3.The Commissioner
Hindu Religious and Charitable Endowment Department
119, Uthamar Gandhi Salai
Nungambakkam
Chennai 34.
- 4.The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Office at
Kottai Mariamman Thirukoil
Salem 636 001.
- 5.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Dharmapuri 636 705.



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6.The Tahsildar
Palacode Taluk
Dharmapuri District.

7.The Inspector
Hindu Religious and Charitable Endowment Department
Office at
Arulmigu Draupathi Amman
Palacode 636 808
Dharmapuri District.

8.K.Subbu @ Sellan
Hereditary Trustee
Arulmigu Karaka Chelliamman Thirukovil
Chikkardanahalli, Dandukaranahalli
Palacode Taluk
Dharmapuri District 636 808.

9.Pappannan @ Sellan
Hereditary Trustee
Arulmigu Karaka Chelliamman Thirukovil
Chikkardanahalli, Dandukaranahalli
Palacode Taluk
Dharmapuri District 636 808.

10.S.Gopal
Hereditary Trustee
Arulmig Karaka Chelliamman Thirukovil
Chikkardanahalli, Dandukaranahalli
Palacode Taluk
Dharmapuri District 636 808.

11.N.Valli
Hereditary Trustee
Arulmig Karaka Chelliamman Thirukovil
Chikkardanahalli, Dandukaranahalli
Palacode Taluk
Dharmapuri District 636 808.



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12.Rajeswari
13.Yasotha
14.Ramasamy
15.V.Chinnasamy
16.M.Muniappan
17.M.Muthusamy
18.P.Muniappan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing, the respondents 3 to 5 to retrieve the temple lands measuring to an extent of 32.5 acres in S.Nos.61/1, 140/3, 49, 58/1 and 140/2 situated at Chikkardanahalli Dandukaranahalli, Palacode Taluk, Dharmapuri District, belonging to Arulmigu Karaka Chelliamman Thirukovil from the respondents 8 to 18 and issue fresh lease in public auction in lieu of the representation dated 07.08.2023 and 17.08.2023.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.N.Naveen Kumar for R1, R2 & R6
Government Advocate

Mr.Karthikeyan, for R3 to R5 & R7
Government Advocate

Mr.M.Selvam for R8 to R11



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ORDER

The petitioner herein seeks a direction to the respondents 3 to 5 to retrieve the lands of the temple measuring to an extent of 32.5 acres in S.Nos.61/1, 140/3, 49, 58/1 and 140/2 situated at Chikkardanahalli, Dandukaranahalli, Palacode Taluk, Dharmapuri District, belonging to Arulmigu Karaka Selliamman Temple from the respondents 8 to 18 and issue fresh lease in public open auction based on the representation of the petitioner dated 17.08.2023.

2. It is the case of the petitioner that Arulmigu Karaka Selliamman Temple mentioned above owns agricultural land to an extent of 32.50 acres. The said temple is under the administration of hereditary trustees namely respondents 8 to 18. It is the case of the petitioner that the lands of the temple are under control of the hereditary trustees themselves and they failed to conduct any open auction for leasing of the property of the temple.



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3. In this regard, the petitioner submitted a representation to the official respondents on 17.08.2023 seeking intervention for retrieving the land and conduct open auction in respect of the land. The said representation has not been considered and therefore, the petitioner is before this Court.

4. Mr. K.Karthikeyan, learned Government Advocate appearing for the respondents 3 to 5 and 7, on instructions, submitted that based on the representation of the petitioner the fifth respondent made an attempt to remove the encroachment in respect of the temple on 31.03.2023. The same has been thwarted by the local people and therefore further action for removal of encroachment is pending.

5. In view of the grievance expressed by the petitioner regarding the non consideration of the representation, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the fourth respondent to consider the representation of the petitioner dated 17.08.2023 and pass final orders on merits and in accordance with law, after issuing notice to the petitioner and the respondents 8 to 18 within a period of 12 weeks from the date of receipt of copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
dna

To

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S.SOUNTHAR, J.
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