



W.P.No.31938 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31938 of 2017

A.Radhakrishnan

...Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
- 2.The Director of Survey & Settlements,
Chepauk, Chennai – 600 005.
- 3.The Additional Director General of Police,
Law & Order,
Dr.Radhakrishnan Road,
Chennai – 600 004.
- 4.The District Collector,
Coimbatore.
- 5.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 6.The Special Officer (Temple Lands) cum
District Revenue Officer,
Dr.Balasundaram Road,
Coimbatore.



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7.The Taluk Executive Magistrate cum Tahsildar,
Pollachi, Coimbatore District.

8.The Superintendent of Police,
Coimbatore.

9.The Commissioner,
Hindu Religious & Charitable Endowments,
No.119, Nungambakkam High Road,
Chennai – 600 034.

10.The Joint Commissioner / Executive Officer/
Fit Person,
Arulmigu Thandayuthapani Swamy Temple,
Palani, Dindigul District.

(R9 & R10 are impleaded vide Court order
dated 10.01.2019 made in W.M.P.No.1067/19
in W.P.No.31938/17)

11.N.S.Padmanaban

12.P.Prema

(R11 & R12 impleaded vide order dated
03.03.2023 made in W.M.P.No.7021/2023
in W.P.No.31938/2017)

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to secure and safeguard the temple properties situated in Jamin Puravaipalayam, Pollachi Taluk, Coimbatore District, assigned in favour of Palani Thandayuthapani Swamy Thirukoil by way of Registered Will Doc.No.17/1931, by considering petitioner's representation dated 16.8.2016 as well as following the emergent note of the 4th respondent dated 24.8.2016 in Na.Ka.No.15864/16Aa2.



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For Petitioner	: Mr.A.Radhakrishnan Petitioner-in-Person
For R1 to R8	: Mr.T.Arunkumar Additional Government Pleader
For R9	: Mr.S.Yashwanth Additional Government Pleader (HR & CE)
For R10	: Mr.R.Bharanidharan
For R11 & R12	: Mrs.Hema Sampath Senior Counsel For Mr.C.Jagadish

ORDER

The relief sought for in the present writ petition is for a direction to direct the 4th respondent / District Collector, Coimbatore to secure and safeguard the temple properties situated in Jamin Puravaipalayam, Pollachi Taluk, Coimbatore District, assigned in favour of Palani Thandayuthapani Swamy Thirukoil by way of Registered Will Document.No.17/1931, by considering petitioner's representation dated 16.8.2016 as well as following the emergent note of the 4th respondent dated 24.8.2016 in Na.Ka.No.15864/16Aa2.



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2. The petitioner appearing in person through Video-Conferencing, articulated his case by stating that vast extent of land, which was executed through Will by one Late Rangasamy Koben Mandradiyar for the purpose of performing certain Poojas in Arulmigu Thandayuthapani Thirukoil at Palani and the same is under encroachment by many persons and the authorities are not initiating any steps to recover the said Temple lands for the benefit of the Temple and the worshippers. The petitioner in person contends that the District Collector, Coimbatore convened a meeting and has given an assurance that all steps will be take to retrieve the lands, which all are under encroachment or otherwise and the said lands will be utilized for the benefit of the Temple. Yet another meeting is to be conducted to finalize the process and to identify the property with reference to Survey Numbers and Revenue Records.

3. The learned Additional Government Pleader (HR & CE) appearing on behalf of the Temple / 9th respondent made a submission that 220 acres were gifted through Will in favour of Palani Thandayuthapani Swamy Thirukoil in the year 1931. As per the conditions in the Will, 140 acres were sold to clear the debts of the Executor of the Will. Out of the remaining 80 acres of land, certain portions were taken away under the provisions of the



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Land Ceiling Act and finally, 20 acres were allotted in favour of the Temple. Out of 20 acres, 16.75 acres are now with the possession of the Temple and is leased out for the benefit of the Temple and the lease rents are also recovered by the Temple authorities punctually. Remaining 3.75 acres are unable to be identified and steps are taken to identify those lands, so as to take possession by following the procedures.

4. This being the submission made on behalf of the Temple, the 4th respondent / District Collector, Coimbatore has to convene the further meeting for the purpose of identifying the lands and to take possession of the land by following the procedures as contemplated.

5. The learned Additional Government Pleader appearing on behalf of the 4th respondent relying on the Status Report filed by the District Collector, Coimbatore, stated that 4 meetings were already conducted and considerable progress was made in the matter of identifying the lands. The last meeting conducted was on 07.02.2023.

6. This being the factual position, the 4th respondent / District Collector, Coimbatore, shall conduct further meetings and identify the land



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as expeditiously as possible and initiate effective steps to recover the possession of the temple properties for the benefit of the Temple.

7. In view of the facts and circumstances, the District Collector, Coimbatore is directed to initiate all steps to ensure that appropriate actions are taken to retrieve the Temple property in the manner known to law.

8. With this direction, the writ petition stands disposed of. No costs.

24.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

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Chepauk,
Chennai – 600 005.

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3. The Additional Director General of Police,
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S.M.SUBRAMANIAM, J.

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