



W.P.No.31492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.31492 of 2023

and

W.M.P.No.31123 of 2023

Arulmighu Devi Sri Elamman Temple,
Rep. By its Trustee N.S.Vijayakumar,
Son of N.K.Sriramalu Naidu,
No.40, Uthukkadu,
Walajabad Circle,
Kancheepuram – 631 605.

... Petitioner

Vs.

1. The Special Tahsildar-Land Acquisition,
National Highway Authority of India,
Chennai-Kanniyakumari Industrial Highway,
Kancheepuram Zone.

2. The Executive Officer,
Sri Subramaniya Swamy Temple,
Kumarakottam,
Periya Kancheepuram.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to



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deposit the compensation amount of Rs.72,00,000/- (Rupees Seventy Two Lakhs only) or any other amount that has been awarded to the petitioner temple towards acquiring its land at S.No.660/3, to an extent of 3550 sq.m at Uthukkadu Village, Kancheepuram Village, to the account of the petitioner temple held at Indian Bank, Walajabad Branch, bearing Savings Bank Account No.528529401 immediately along with interest.

For Petitioner : Mr.Abhinav Parthasarathy
For R1 : Mr.P.Gurunathan
Additional Government Pleader
For R2 : Mr.K.Karthikeyan
Government Advocate (HR&CE)

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the first respondent to deposit compensation amount of Rs.72,00,000/- (Rupees Seventy Two Lakhs only) or any other amount that has been awarded to the petitioner temple towards acquiring its land at S.No.660/3, to an extent of 3550 sq.m at Uthukkadu Village, Kancheepuram Village, to the account of the petitioner temple held at Indian Bank, Walajabad Branch, bearing Savings Bank Account



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No.528529401 immediately along with interest.

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2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

3. Learned counsel for the petitioner submitted that the subject property has been acquired and a sum of Rs.72,00,000/- has been awarded to the petitioner by the first respondent. The acquired property belongs to the petitioner temple. The temple is a private temple which is not under the control of HR&CE Department. Already the petitioner temple have filed a Civil suit in O.S.No.174 of 1990 on the file of the Additional District Munsif Court, Kancheepuram and obtained a decree. The Civil Court has declared the temple as a private temple and enjoined the HR& CE Department from interfering with the peaceful administration and management of the petitioner temple. The said decree was not challenged by the second respondent so far. The Special Thasildhar who conducted the enquiry also found that the property of the



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petitioner temple is not under the control and management of the second respondent. Therefore, the amount has to be paid to the account which is being maintained by the temple.

4. The learned counsel for the second respondent submitted that in the year 2021, a Fit person/Special Officer has been appointed. The petitioner has not challenged the same. Once a Fit Person is appointed, the management and administration has to be looked after by the second respondent. Therefore, the petitioner is not entitled to get the said amount.

5. The first respondent has filed a counter stating that the subject land was acquired under the Provisions of the TamilNadu Highways Act, 2001 and the compensation of Rs.72,00,000/- was also awarded for the land.

6. Admittedly, the petitioner filed a suit in O.S.No.174 of 1990 and obtained the decree. The HR&CE appointed the Fit Person in the



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year 2022. Since there is a rival claim between the petitioner temple and the second respondent, the first respondent is directed to deposit the said amount before the jurisdictional Civil Court within a period of 10 days from the date of receipt of copy of this order. After the deposit of the said amount, the first respondent is directed to intimate the same to the petitioner and the second respondent. Both the petitioner and the second respondent are directed to avail their remedy before the Civil Court/Land Acquisition Tribunal.

7. With the abovesaid direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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