



WP No.17385 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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1.N.Swayamprakasam
2.V.Rajasekaran

... Petitioners

versus

- 1.The District Collector,
Namakkal District.
- 2.The Tahsildar,
Rasipuram Taluk Office,
Namakkal District.
- 3.The Commissioner
H.R. & C.E. Department,
Chennai 34.
- 4.The Special Officer,
District Revenue Officer (Temple Lands)
Dr.Balasundaram Road,
Coimbatore 641 018
- 5.The Joint Commissioner,
H.R. & C.E. Department,
Salem
- 6.The Assistant Commissioner,
H.R. & C.E. Department,
Namakkal



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7.The Superintendent of Police,
Namakkal District.

8.K.Chinnaraju
9.Kalliammal
10.Ramaswamy Gounder
11.Kaliyappan
12.Palanisamy
13.Karuppanna Gounder
14.Sekar
15.The Executive Officer/Trustee,
Arulmighu Peddavaramma Temple,
R.Padampatti Village,
Rasipuram Taluk,
Namakkal District

(Respondent No.15 impleaded vide order
dated 25.4.2018 in WMP No.23953/2017) ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2, 4 and 5 to initiate action under the relevant provisions of the Tamil Nadu H.R. & C.E. Act, 1959 to remove the encroachments made in Old S.Nos.413-A, 413/C1, 431/C, 431 (R.S.Nos.139/2A, 139/2B, 139/2C, 139/3B, 140/2, 140/3) in R.Padampatti Vilage, Rasipuram Taluk, Namakkal District and restore the same to Yedda Varamma Tampil in the village and issue directions to the first respondent to initiate action for transfer of pattas in the name of the temple.

For the Petitioner : Mr.J.Muthukumar

For the Respondents : Mr.J.Ravindran,
Additional Advocate-General,
Assisted by Mr.U.Bharanidharan,
Additional Government Pleader,
for respondents 1,2,4 and 7



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Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for respondents 3, 5 and 6

Mr.K.Gunasekaran,
for respondents 8, 9, 11 to 14.

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.J.Muthukumar, learned counsel for the petitioner, Mr.J.Ravindran, learned Additional Advocate-General, for respondents 1, 2 4 and 7, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, for respondents 3, 5 and 6 and Mr.K.Gunasekaran, learned counsel for respondents 8, 9, 11 to 14.

2. The grievance of the petitioner is that encroachments are made on the temple land. Counter-affidavit is filed by the second respondent to the effect that no such temple under the name 'Arulmighu Beddavaramma Temple' is situated in R.Pudupatty Village. Nor the petitioner could adduce any valid record to support the said claim. In view of that, patta cannot be issued in the name of the temple as has been suggested.



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3. In the present writ petition also we do not find any documents showing the existence of such a temple, so as to pass further orders.

4. The Writ Petition is disposed of. There will be no order as to costs. Consequently, WMP No.18879 of 2017 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.06.2023

Index : yes/no
Neutral Citation : Yes/No
tar



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