



W.P.No.29644 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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P.A.Raja

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
119, Nungambakkam High Road,
Chennai - 600 084.
2. The District Collector,
Salem District,
Salem.
3. The District Revenue Officer,
Salem.
4. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Salem District - 636 001.
5. The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,



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Salem District - 636 001.

6. The Tahsildar,
Salem.

7. The Executive Officer,
Arulmigu Durgai Ammal Thirukovil,
Nazhikalpatti,
Salem District.

8. D.Viswanathan

9. D.Kalyanasundaram

10. S.Rajanbabu

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment in Survey Nos.173/2, 173/3 and 173/4 of Nazhikalpatti village made by the respondents 8 to 10, consequently directing the 3rd respondent to cancel the patta Nos.227, 127 and 85 of Nazhikalpatti Village further directing the respondents 4 and 5 to conduct Public Auction in relating to entire extent of 10.63 Cents lands in Survey Nos.173/1A, 173/1B, 173/2, 173/3, 173/4, 170/3 and 171/3 of Nazhikalpatti village which is belonging to the Arulmigu Durgai Amman temple.

For Petitioner : No Appearance

For Respondents : Mr.C.Jayaprakash,
Government Advocate,
for RR-1, 4, 5 and 7

: Mrs.R.Anitha,
Special Government Pleader,
for RR-2, 3 and 6



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: Mr.Ramanathan, for R8



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ORDER

There is no representation on behalf of the petitioner. We have heard Mr.C.Jayaprakash, learned Government Advocate for the respondents 1, 4, 5 and 7; Mrs.R.Anitha, learned Special Government Pleader for the respondents 2, 3 and 6 and Mr.Ramanathan, learned Counsel for the eighth respondent.

2. The seventh respondent has filed a counter. Paragraph No.8 of the counter reads thus:-

" **8.** *It is submitted that on the basis of the representation of the petitioner Dated:19.09.2017 and 7.6.2018, the following steps were taken by the HR & CE Department.*

a) A letter was addressed to the DRO Salem on 10.08.2020 to cancel the patta infavour of the 8, 9, 10 respondents and issue fresh patta in favour of the Durgai Amman Temple.

b) Disciplinary action was taken against 8th respondent for the misappropriation, malpractices and fraud committed against the temple property.

c) Nearly 10 acres of temple land has been leased out in the year 2021 for one year and the lease amount of two lakhs was collected from the lessee.



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d) Lease of lands of the year 2022 is under process and very shortly notification will be issued for public auction.

e) Police complaint was given against the offenders who cut the trees in the temple land.

f) Three houses have been constructed illegally by the 8, 9 & 10th respondents in the temple property and the EB service connections are existing in their names and steps will be taken against 8, 9 and 10th respondents for eviction with the help of Revenue Department and Police Department.

g) All the lands of the temple will be surveyed through surveyor and pucca fencing will be provide.

h) Steps will be taken to recover damages for use and occupation of temple lands from 8th, 9th and 10th respondents.

i) Effective steps will be taken to obtain new patta numbers in the name of temple."

3. As it is submitted that the seventh respondent would take further action expeditiously in accordance with law, we dispose of the Writ Petition. The respondent authority shall take action in accordance with law expeditiously. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs
To

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**THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.**

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