



W.P.(MD) No.8698 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8698 of 2023

Thiruvavadudurai Adhinam
Rep by Inspector,
Veeranathan
S/o.Murugan Chettiar,
11/10, Theppakulam Street,
Suchindram, Agasteeswaram Taluk,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious & Endowment Department,
Tirunelveli.
- 2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 3.The Special Tahsildar,
(Temple Lands),
Hindu Religious and Charitable Endowment
Department,
Tirunelveli.



W.P.(MD) No.8698 of 2023

4. The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the third respondent to survey the petitioner's land as ordered by the first respondent in Na.Ka.No.9031/2022 dated 05.12.2022 and further direction to the fourth respondent to provide adequate police protection to the third respondent.

For Petitioner : Mr.M.Ramu

For R1 & R3 : Mr.P.Subbaraj
Special Government Pleader

For R2 & R4 : Mr.T.Amjadkhan
Government Advocate

ORDER

The above writ petition is filed for a mandamus directing the third respondent to survey the lands belonging to the petitioner Adhinam as directed by the first respondent in his proceedings dated 05.12.2022 and



W.P.(MD) No.8698 of 2023

direct the fourth respondent to provide adequate police protection to the third respondent.

2. The deponent, who is the Inspector of the Petitioner Adhinam, would contend that the Adhinam is a religious institution involved in the welfare and development activities in respect of the Hindu Religion. The Adhinam owns about 5,000 acres of dry and wet lands in Kanyakumari and Tirunelveli Districts. The income derived from the same is utilized by the Adhinam for its work. Since the predominant portion of the lands are agricultural lands, the same were being enjoyed by leasing it out to various persons. Many of the leases have expired, but the lessees are refusing to surrender the land back to the petitioner and also to pay the arrears. Therefore, the petitioner Adhinam has taken steps to recover possession as well as the arrears. Enraged by this act, some miscreants are creating trouble to the tenants. In order to protect the petitioner's land, the petitioner had filed WP(MD)No.4325 of 2022 for a direction to the first respondent to consider the representation of the petitioner dated 09.02.2022 and remove the encroachment in the lands belonging to the



W.P.(MD) No.8698 of 2023

Adhinam in Palavur, Adangarkulam and South Valliyour, Radhapuram Taluk, Tirunelveli District, taking into consideration of the order passed in CRP(MD) No.1697 of 2014. The writ petition was also disposed of with a direction to the first respondent to consider the representation of the petitioner. Pursuant to this, the first respondent had deputed the second respondent to survey the lands and submit a report regarding the lands mentioned in the petitioner's representation.

3.The petitioner would submit that when the second respondent had proceeded to survey the lands, the deponent had accompanied him but however, the villagers refused to permit the officials to survey the lands and in fact, had confined them. With the help of the fourth respondent, they were released. Thereafter, the second respondent had conducted a peace meeting and passed an order dated 02.01.2023. However, the report was biased one made without perusing the records. The report/order of the second respondent has been challenged by the petitioner Adhinam and the same is pending in Crl.R.C(MD) No.66 of 2023, in which one of the direction given by the second respondent to the



W.P.(MD) No.8698 of 2023

third respondent was proceeded to survey the lands and the villagers were directed to comply with the order passed in W.P(MD)No.4325 of 2022. However, this direction has not been complied with to date. Therefore, the petitioner is constrained to approach this Court.

4.Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents 1 and 3 and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 2 and 4 would submit that the villagers were agitated about the presence of the deponent Veeranthan during the survey and this is causing trouble as a result of which the authority are not able to proceed with survey of the lands. They would further submit that the respondents are ready to survey the lands and it is only on account of agitation that they are not able to proceed to implement the directions.

5. Heard the learned counsel appearing on either side.

6. The relief sought for in this writ petition is for a direction to the



W.P.(MD) No.8698 of 2023

third respondent to survey the lands. The respondents are also ready to do the same, but would only make a request that Mr.Veeranathan would be kept away during the exercise. The request appears to be quite reasonable, since apart from Veeranathan there should be other officials of the Adhinam. Therefore, this Writ Petition is disposed of with a direction to the third respondent to survey the lands and submit the report within a period of four weeks from the date of receipt of a copy of this order. It is made clear that Mr.Veeranathan, Inspector of the Adhinam will not be present during survey. The Adhinam shall take steps to assign an official exclusively for the above task to assist the third respondent. No costs.

18.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

1.The Joint Commissioner,
Hindu Religious & Endowment Department,
Tirunelveli.



W.P.(MD) No.8698 of 2023

WEB COPY

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Special Tahsildar,
(Temple Lands),
Hindu Religious and Charitable Endowment
Department,
Tirunelveli.

4.The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.



WEB COPY



W.P.(MD) No.8698 of 2023

P.T.ASHA, J.

cp

W.P.(MD) No.8698 of 2023

Dated: 18.04.2023