



W.P.(MD) No.14481 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14481 of 2023

and

W.M.P(MD) No.12283 of 2023

S.Murugan

... Petitioner

Vs.

- 1.The Commissioner,
T.N.Hindu Religious Charitable and Endowments Department,
Nungambakkam Road, Chennai.
- 2.The Joint Commissioner,
T.N.Hindu Religious Charitable and Endowments Department,
West Avani Moola Street, Madurai-625 001.
- 3.The Executive Officer,
Arulmighu Madanagopalasamy Temple,
Madurai.
- 4.The Tahsildar,
Madurai West Taluk,
Madurai District.
- 5.The District Registrar (Administration),
Office of the District Registrar,
Madurai District.



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6. The Sub Registrar,
Office of the Sub Registrar,
Nagamalai Pudukkottai Sub Registration Office,
Madurai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 5 and 6 herein to take action on the basis of the representation given by the petitioner dated 08.06.2023 in connection with the fraudulent registration of the temple properties within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran
For R1, R2 & R4 : Mr.P.Subbaraj
Special Government Pleader
For R5 and R6 : Mr.M.Prakash
Additional Government Pleader
For R3 : Mr.S.Manohar

ORDER

The petitioner seeks a mandamus directing the respondents 5 and 6 to take action on the basis of the petitioner's representation dated 08.06.2023 relating to the fraudulent registration of the temple



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properties.

2. The petitioner has come forward to state in the above writ petition that he is a permanent resident of Vilachery, Madurai and there is a famous temple, namely, Arulmigu Alagu Nachiamman Temple, where the annual festival is celebrated in a grand manner. The petitioner is the president of the festival committee and the festival was being celebrated in a grand manner without any untoward incident after collecting amounts from the villagers. The temple in question is a listed temple under the respondents 1 and 2 and daily pooja is being done by one Jothibasu, who is the hereditary poosari of this temple. The appointment of Jothibasu has been approved by the Department in O.A.No.69/1992. The temple comes under the control of the Tamil Nadu Hindu Religious and Charitable Endowments Department. It is the case of the petitioner that the temple owns an extent of 3.20 acres in Survey Nos.347/3 and 347/7 of Vilachery Village, Madurai West Taluk, Madurai District. The lands have been managed by the Executive Officer of the Arulmighu Madhana Gopalasamy Temple situated in Madurai.

3. The petitioner would further submit that the vested elements



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have started to claim ownership over the lands without even having a document in their name. They are in fact attempting to alienate the properties to third parties through one Paramshivam, S/o.Virumandi Thevar and some of the residents of Vilachery village. The petitioner had immediately brought notice of the revenue authorities as well as the HR&CE Department. These persons have also obtained patta in respect of the temple properties. The Executive Officer of the Arulmighu Madhana Gopalasamy Temple has filed objection in this connection with the revenue authorities as well as the Registration Department. Therefore, the petitioner had sent representation to the respondents. Since no action is being taken, the present writ petition is filed.

4. The learned counsel appearing for the third respondent would confirm the statement made by the petitioner and would submit that he is also taking steps in this regard.

5. Considering the limited scope of the prayer, this Writ Petition is allowed with a direction to the representations 5 and 6 to consider the



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representation of the petitioner dated 08.06.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Further, the fifth respondent shall not entertain any documents for registration pertaining to the subject property till the disposal of the representation. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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- 2.The Joint Commissioner,
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P.T.ASHA, J.

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- 4.The District Registrar (Administration),
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Madurai District.
- 5.The Sub Registrar,
Office of the Sub Registrar,
Nagamalai Pudukkottai Sub Registration Office,
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