



W.P.(MD)No.25668 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

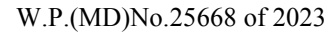
**W.P.(MD)No.25668 of 2023**

A.Radhakrishnan

... Petitioner

versus

1. The Chief Secretary to Government,  
Secretariat,  
Chennai – 600 009.
2. The Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai – 600 009.
3. The Secretary to Government,  
Home Department,  
Secretariat,  
Chennai – 600 009.
4. The Secretary to Government,  
Tourism, Culture and Endowments Department,  
Secretariat,  
Chennai – 600 009.



- 2 / 14



W.P.(MD)No.25668 of 2023

WEB COPY

13. The present Administrator,  
Arulmigu Mariamman Temple,  
Karur.
14. The Executive Officer,  
Arulmigu Balasubramaniaswamy Temple,  
Vennaimalai,  
Karur.
15. The Executive Officer,  
Arulmigu Palamalai Temple,  
Karur.
16. The Executive Officer,  
Arulmigu Munimuktheeswarar Temple,  
Chinnatharapuram,  
Aravankurichi Taluk,  
Karur.
17. The Executive Officer,  
Arulmigu Rathinagireeswarar Temple,  
Iyermalai,  
Karur.
18. Arulmigu Balasubramani Swamy Thirukovil,  
Rep. through Hereditary Trustee,  
Balamali,  
Pavithram Village,  
Karur District.  
(R18 is impleaded vide order  
dated 16.11.2023)

... Respondents



W.P.(MD)No.25668 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 6 and 8 to issue suitable to his officials to conduct joint meeting for secure and safeguard the properties of temples at Karur District, as time bound manner as per earlier instructions dated 05.09.2022 and 20.03.2023 by considering the petitioner's representation dated 05.09.2022 and 15.10.2023.

For Petitioner : Mr.A.Radhakrishnan,  
Party-in-person  
For R1 to R6,  
R8 to 10, 13 to 17: Mr.P.Subba Raj,  
Special Government Pleader  
For R7 : Mr.B.Thanga Aravind,  
Government Advocate  
For R11 : Mr.M.Saravanan  
For R12 : Mr.P.Aathimoolapandian

### **ORDER**

The petitioner, party-in-person, claiming to be a devotee of the Temples in Karur District, has filed this writ petition for a Mandamus directing the respondents 6 and 8 to issue suitable directions to their officials to conduct a joint meeting to secure and safeguard the properties of the Temples at Karur District, as per the earlier instruction



W.P.(MD)No.25668 of 2023

issued by proceedings dated 05.09.2022 and 20.03.2023 and by considering his representations dated 05.09.2022, 15.10.2023.

2. The petitioner, party-in-person, submits that most of the temple properties in Karur District are under the control of private parties as encroachers, but, the Temple Administration has not taken any initiatives as against the encroachers either to regularise their occupation or to remove those encroachments. In this regard, the petitioner has already submitted representations, based on his representations, a joint meeting was conducted by the District Collector along with the officials of the HR&CE Department on 15.04.2015. The District Collector, in the said meeting, has directed the HR&CE officials to furnish the details with regard to the temple properties and its encroachers to the temple administration, so that, necessary action would be taken as against the encroachers by the revenue officials. Even thereafter, the temple administration has not furnished the required details to the District Administration and therefore, no action



W.P.(MD)No.25668 of 2023

was taken as against the encroachers and till date, the encroachers are continuing to occupy the temple lands. As the valuable lands, belonging to the Temples, are under the custody of the encroachers without any rent, the petitioner has again made representations and filed this writ petition.

3. Considering the earlier proceedings dated 15.04.2015, this Court directed the respondents to file a report as to the further course of action taken pursuant to the proceedings dated 15.04.2015.

4. The learned Special Government Pleader has filed a typed set of papers and an affidavit of the 6<sup>th</sup> respondent/the Commissioner of HR&CE Department and submitted that necessary actions are taken by the Temple Administration to recover the temple lands from the encroachers. The Commissioner, HR&CE Department has also stated in his affidavit that based on the report of the Joint Commissioner, HR&CE, Tirupur, in R.C.No.10817/2023/A3, dated 10.11.2013,



W.P.(MD)No.25668 of 2023

actions were taken by the concerned temple authorities, viz., (1)

Assistant Commissioner/Executive Officer, Arulmigu Kalyanavenkataramanaswamy Temple, Thanthondrimalai; (2) Executive Officer, Arulmigu Kalyanapasupatheeswarar Temple, Iyyermalai, Karur; (3) Executive Officer, Arulmigu Rathinagireeswarar Temple, Iyyermalai, Karur; (4) Executive Officer, Arulmigu Balasubramaniaswamy Temple, Vennaimalai, Karur; (5) Hereditary Trustee, Arulmigu Balasubramaniaswamy Temple, Balamalai, Karur; (6) Executive Officer, Arulmigu Munimuktheeswarar Temple, Chinnatharapuram, Karur and (7) Hereditary Trustee, Arulmigu Mariamman Temple, Karur Town, Taluk and District, to measure the landed property belong to the temples and to initiate action under Sections 78 and 79 of the Tamil Nadu Hindu Religious & Charitable Endowment Act, 22 of 1959. In some of the cases, appeals were also filed before the District Revenue Officer to change the patta in the name of the temples. The copies of the proceedings initiated by the respondents/Temples are furnished to the petitioner party-in-person.



W.P.(MD)No.25668 of 2023

WEB COPY 5. This Court considered the rival submissions made and also perused the materials available on record.

6. The Temples are administered by a team of officials in the rank of Executive Officers, who are mostly law graduates. Unfortunately, for protecting the temple properties, a devotee has to file an application before the Collector and before the Courts. On the complaint of the petitioner, already, there was a joint meeting conducted in the year 2015 and a decision was taken in the month of April 2015. Now, we are in the year 2023. For the past 8 years, the temple administration appears to have not taken any serious efforts to restore the temple properties as agreed before the District Collector in the year 2015.

7. The learned counsels appearing for the temple, by referring to a proceedings of the District Collector, Karur, dated 25.08.2022, submits that the District Collector, Karur, apprehending law and order



W.P.(MD)No.25668 of 2023

problem, has directed the temple administration to refrain from initiating action as against the encroachers for some time. Therefore, the Temple Administration has not taken any steps to remove those encroachments. The learned counsel also submitted that necessary petitions have been filed before the District Revenue Officer, Karur, to change the patta and the same have not been proceeded, due to which also, there is a delay in taking action.

8. The deity is a minor and therefore, a responsibility exists on the Court, HR&CE Department and the District Administration to protect the properties of the Temples. The District Administration, instead of preventing the eviction process. by referring to the expected law and order problem, shall co-operate with the HR&CE Department to restore the temple lands.

9. If the encroachers are willing to accept the title of the Temple and to pay the fair rent, the respondent Temple shall consider those



W.P.(MD)No.25668 of 2023

cases and fix the fair rent for those encroachers and also provide some instalments to pay their arrears.

10. The District Collector, Karur, shall convene a joint meeting of the HR&CE Officials with the revenue officials and has to issue necessary instructions to the revenue officials and police officials to extent their co-operation to the HR&CE Department in restoring the temple properties. The District Collector, Karur, shall also direct the District Revenue Officer, Karur, to conclude the revision petitions filed by the HR&CE Department, under the Tamil Nadu Patta Passbook Act, as expeditiously as possible.

11. Accordingly, this writ petition is disposed of. No costs.

**19.12.2023**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on 10.01.2024.

10/14



W.P.(MD)No.25668 of 2023

To

WEB COPY

1. The Chief Secretary to Government,  
Secretariat,  
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Secretariat,  
Chennai – 600 009.
3. The Secretary to Government,  
Home Department,  
Secretariat,  
Chennai – 600 009.
4. The Secretary to Government,  
Tourism, Culture and Endowments Department,  
Secretariat,  
Chennai – 600 009.
5. The Commissioner of Revenue Administration,  
Chepauk,  
Chennai – 600 005.
6. The Commissioner,  
Hindu Religious & Charitable Endowments Department,  
119, Nungambakkam High Road,  
Chennai – 600 034.
7. The Director General of Police cum Head Office Police Force,  
Dr.Radhakrishnan Road,  
Chennai – 600 004.



W.P.(MD)No.25668 of 2023

WEB COPY

8. The District Executive Magistrate cum  
District Collector,  
Karur.

9. The Joint Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Trichy.

10. The Assistant Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Karur.

11. The Assistant Commissioner cum Executive Officer,  
Arulmigu Kalyanavenkatramana Swamy  
Thirukoil,  
Thanthondri Malai, Karur.

12. The Executive Officer,  
Arulmigu Kalyana Pasupatheeswarar Temple,  
Karur Town.

13. The present Administrator,  
Arulmigu Mariamman Temple,  
Karur.

14. The Executive Officer,  
Arulmigu Balasubramaniaswamy Temple,  
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W.P.(MD)No.25668 of 2023

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W.P.(MD)No.25668 of 2023

**B.PUGALENDHI, J.**

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**W.P.(MD)No.25668 of 2023**

**19.12.2023**