



W.P.(MD).No.28204 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN**

**W.P.(MD).No.28204 of 2022**

G.Selvarasu

... Petitioner

**Vs.**

- 1.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Chennai.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Thanjavur.
- 3.The Superintending Engineer,  
Tamil Nadu Electricity Board,  
Thanjavur District.
- 4.The Executive Engineer,  
Tamil Nadu Electricity Board,  
Thanjavur District.
- 5.The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Pattukottai,  
Thanjavur District.
- 6.Muthuraj

*(R-6 is impleaded vide Court order dated 05.01.2023 in W.M.P.(MD).No.195 of 2023 in W.P.(MD).No.28204 of 2022)*



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7. The District Collector,  
Thanjavur District,  
Thanjavur.

...Respondents

*(R-7 is suo motu impleaded vide Court order dated 05.01.2023 in W.P. (MD).No.28204 of 2022)*

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3-5<sup>th</sup> respondent to immediately stop the proposed construction of 33KV/110KV TNEB Sub Station in the land belongs to Arulmighu Panaiyudaiya Ayyanar Temple, Pattukottai Taluk, Thanjavur District without prior permission / sanction of the Commissioner, HR and CE Department under Section 34 of the HR and CE Act, 1959 and also against the verdict of Hon'ble High Court of Madras in W.A.Nos.126, 129, 199, 203, 64, 72 and 74 of 2022 and find an alternate place for the construction of the same on the basis of the petitioner representation dated 09.09.2022 within the time limit that may be stipulated by this Court.

|                 |                                                   |
|-----------------|---------------------------------------------------|
| For Petitioner  | : Dr.Ramesh Mahadev                               |
| For R-1 and R-2 | : Mr.R.Ragavendran,<br>Government Advocate.       |
| For R-3 to R-5  | : Mr.K.Nagarajan,<br>Standing Counsel.            |
| For R-6         | : Mr.R.Karunanidhi                                |
| For R-7         | : Mr.M.Lingadurai,<br>Special Government Pleader. |



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**ORDER**

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Heard the learned counsel on either side.

2. The petitioner claims to be the Poosari of Arulmighu Panaiyudaiya Ayyanar Temple in Pattukottai Taluk, Thanjavur District. He wants this Court to restrain TANGEDCO from putting up an electric sub-station in the petition mentioned survey numbers.

3. The revenue records have been enclosed. It is seen therefrom that 24 acres and 40 cents of land in Survey Nos.24/1 and 24/2 is in the name of Ayyanar temple and the remaining 1 acre in Survey No.24/3 has been classified as Vandipadhai (Cart track). I am more than satisfied that the petition mentioned land belongs to the petitioner temple.

4. The learned counsel appearing for the private respondent representing the villagers states that since the classification is as sarkar poramboke, the temple cannot have any claim. I do not accept this contention. The classification as a sarkar poramboke is only for the purpose of tax assessment. It does not have bearing on the title as such. Column No.12 of the re-settlement



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register clearly indicates that the property belongs to the temple. TANGEDCO cannot therefore lay any claim on the said land. Of course, it is open to the Government to acquire the land and hand it over to TANGEDCO for the purpose of setting up the sub-station, but to do so, the due process of law must be adopted. It is also open to TANGEDCO to negotiate with the persons interested in the temple and finalize the issue. But before doing so, the clearance under Section 34 of the Hindu Religious and Charitable Endowments Act must be obtained. Even a solitary devotee can take up the matter to protect the interest of the temple properties. Without complying with the procedures, it is not open to TANGEDCO to straightaway proceed to set up the sub-station in the petition mentioned survey numbers. Granting liberty to TANGEDCO as well as the villagers to workout their rights by sticking to due process of law, this Writ Petition is allowed. There shall be no order as to costs.

**27.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm



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**G.R.SWAMINATHAN, J.**

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**27.01.2023**