



WP(MD)No.30157 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Ramasamy

.. Petitioner

VS.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.Arulmighu Balasubramania Swamy Temple,
Rep.by its Executive Officer,
Kalanivasal, Peravoorani Taluk,
Thanjavur District.
- 4.N.Ravichandran,
Executive Officer,
Arulmighu Balasubramania Swamy Temple,
Kalanivasal, Peravoorani Taluk,
Thanjavur District.



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5.Parthiban

6.Radhakrishnan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the petitioner's representation dated 17.10.2023 and take appropriate action against the respondents 4 and 5 for their illegal act of cutting and removal of live trees in Survey Nos.338, 339/2, 93/5 and 82/2A of Kalanivasal Revenue Village, Peravoorani Taluk, Thanjavur District, belonging to the third respondent Temple and consequently, direct the first respondent to direct the third respondent to cancel the lease executed in favour of the fifth respondent in respect of the lands in Survey Nos.338, 339/2, 93/5, 82/2A situated in Kalanivasal Village, Peravoorani Taluk, Thanjavur District.

For Petitioner : Mr.P.Vinoth
For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R3
Mr.V.Chandrasekar for R4



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ORDER

WEB COPY The petitioner, who is a resident of Kalanivasal, has filed this Writ Petition to direct the respondents 1 and 2 to conduct enquiry on the petitioner's representation, dated 17.10.2023 and take appropriate action against the respondents 4 and 5 for having illegally cut and removed the trees in Survey Nos.338, 339/2, 93/5 and 82/2A, Kalanivasal Revenue Village, Peravoorani Taluk, Thanjavur District, belonging to the third respondent Temple and for a consequential direction to the first respondent to direct the third respondent to cancel the lease executed in favour of the fifth respondent in respect of subject lands.

2. The case of the petitioner is that the subject lands belong to the third respondent Temple and its extent is 15 acres. It was subjected for auction by the fourth respondent vide Notification, dated 10.07.2023 and with the help of the sixth respondent, the fifth respondent has taken the subject lands for a lease amount of Rs.2,85,000/- (Rupees Two Lakhs Eighty Five Thousand only). According to the learned counsel appearing for the petitioner, on the influence of the sixth respondent, the subject lands were auctioned for the



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WEB COPY lesser amount of Rs.2,85,000/- (Rupees Two Lakhs Eighty Five Thousand only). Taking advantage of the lease, the fifth respondent has cut and removed the trees from the subject lands and therefore, the petitioner has lodged a complaint to the first respondent on 17.10.2023 and filed this Writ Petition.

3. Mr.V.Chandrasekar, the learned counsel takes notice for the fourth respondent and submits that the subject lands were in occupation of the villagers for a longer time and they have not paid the lease amount to the Temple administration and have not maintained the coconut trees which were in the Temple land. All the trees became dry and this year, the third respondent has subjected the property for auction on 10.07.2023 and the fifth respondent has taken the subject lands for the lease amount of Rs.2,85,000/- (Rupees Two Lakhs Eighty Five Thousand only). For the first time, the Temple receives revenue from the subject lands. The sixth respondent is the father-in-law of the fifth respondent/lessee. The petitioner is having a motive against the sixth respondent. At the instance of the persons who were in occupation of the Temple lands and have not paid the lease



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amount, the petitioner has filed this Writ Petition. He further submits that the

petitioner has not prepared to lodge a complaint to the third respondent.

Instead, he has filed the complaint directly to the first respondent/

Commissioner of Hindu Religious and Charitable Endowment Department on

17.10.2023. On knowing the complaint preferred by the petitioner before the

first respondent, the third respondent has acted upon the same and verified the

allegation raised by the petitioner in the complaint with the fifth respondent.

Thereafter, the fifth respondent has informed the third respondent that since

the trees became dry, he has cut and removed the same in order to protect the

existing coconut trees. However, he has cut and removed the trees without

intimating the same to the third respondent. The third respondent has made a

request to the Forest Department to assess the value of the trees which were

cut and removed by the lessee. The District Forest Officer, after inspection,

has given a report on 17.10.2023 that two Nobel trees, one Uthiyan Tree and

one Nuna tree worth about Rs.27,224/- (Rupees Twenty Seven Thousand

Two Hundred and Twenty Four only) were cut and removed by the fifth

respondent, based on which, further course of action was taken as against the

lessee and the lessee has paid the said amount to the Temple Administration



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on 08.11.2023. Though he has paid the said amount, the third respondent has lodged a complaint before the Inspector of Police, Peravurani Police Station, as against the fifth respondent on 25.08.2023, since he has not intimated the information before cutting the trees and a criminal case has been registered against the fifth respondent and the same has been treated as petition enquiry pending in C.S.R.No.488 of 2023.

4. This Court considered the rival submissions made by both sides and perused the materials available on record.

5. It appears that the fifth respondent has cut and removed the trees without obtaining prior permission from the third respondent. Though the fifth respondent claims that he has cut and removed the trees for the welfare of the existing trees, before cutting the trees, he ought to have obtained permission from the third respondent, whereas, the petitioner has preferred the complaint straight away before the first respondent on 17.10.2023 instead of approaching the third respondent who is very much available in the Village. However, the third respondent has acted upon the complaint given by



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the petitioner before the first respondent and lodged a complaint against the fifth respondent for having illegally cut and removed the trees and recovered the amount for the value of the trees which were cut and removed by the fifth respondent.

6. Since the action has already been taken by the third respondent on the complaint given by the petitioner to the first respondent and the amount for the valuable trees are recovered, this Court is not inclined to entertain this Writ Petition.

7. Accordingly, this Writ Petition is closed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb



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To

1. The Secretary to Government of Tamil Nadu,
Hindu Religious Endowments,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai-600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B-1 Salai, Ellis Nagar, Madurai-625 016.
4. The Assistant Commissioner/Fit Person,
Arulmighu Sivakasi Sri Viswanathaswamy Koil Thakkar,
Hindu Religious and Charitable Endowments Department,
18, Natchi Street, Virudhunagar.
5. The Joint Commissioner (Thirupani),
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.
6. The Executive Officer,
Arulmighu Sivakasi Sri Viswanathaswamy Koil,
Sivan Sannathi,
Sivakasi-626 123.



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B.PUGALENDHI, J.

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