



W.P.No.2041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONO URABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2041 of 2024

A.Radhakrishnan

... Petitioner

versus

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.
- 3.The District Collector,
Salem.
- 4.The Assistant Director of Survey and Land Records,
Salem.
- 5.The Revenue Divisional Officer,
Suramangalam,
Salem – 636 005.



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6.The Tahsildar,
Manakadu, Salem – 636 007.

7. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem – 636 001.

8.The Chairman,
Board of Trustees,
Arulmigu Azhagirinathar Temple,
Fort, Salem – 636 001.

9.The Executive Officer,
Arulmigu Azhagirinathar Temple,
Fort, Salem – 636 001.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the sixth respondent to issue patta in favour of ninth respondent temple to the property situated in Block No.14, Ward-A, D, Salem Town in T.S.No.10 and T.S.No.63 and Ammapet Village, Ward A, J, Block 3, T.S.No.30, by considering the petitioner's representations dated 21.09.2017 and 08.01.2014.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.R.Vigneshwaran
Government Advocate for R1, R3 to R6

Mr.K.Karthikeyan
Government Advocate (HR & CE),
for R2, R7 to R9



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ORDER

Mr.R.Vigneshwaran, learned Government Pleader accepts notice for respondents 1, 3 to 6 and Mr.K.Karthikeyan, learned Government Advocate (HR & CE) accepts notice for 2, 7 to 9. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the sixth respondent to issue Patta in favour of ninth respondent temple to the property situated in Block No.14, Ward-A, D, Salem Town in T.S.No.10 and T.S.No.63 and Ammapet Village, Ward A, J, Block 3, T.S.No.30, by considering the petitioner's representations dated 21.09.2017 and 08.01.2014.

3. The case of the petitioner is that, originally the properties situated in T.S.No.10, Blok No.14, Ward-A, D, Salem Town, measuring an extent of 0.4085.0 sq.mt and T.S.No.63 to extent of 0.0004.5 sq.mt and Ammapet Village, Ward A, J Block 3, T.S.No.30 measuring an extent of 0.0312.0

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sq.mts, belong to the ninth respondent-Temple. While so, the third respondent had sent his communication dated 28.05.2015 to the Sub Collector, Mettur and the fifth respondent herein/Revenue Divisional Officer and directed them to conduct joint field inspection and file a detailed report in respect of the properties held by the ninth respondent/Temple. On verification, it is found that the Patta does not stand in the name of the said Temple in respect of the subject properties. Hence, the petitioner has given a representation to the third respondent on 21.09.2017 to issue Patta in favour of the ninth respondent-Temple. Since there was no response from the respondents till date, the present writ petition has been filed.

4. Heard both sides and perused the materials available on record.

5. It is seen that the since petitioner has no *locus standi* to file the writ petition, he has not produced any materials to prove that he is a devotee of the ninth respondent/Temple. Therefore, this Writ Petition is liable to be dismissed.



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6. It is further to be noted that already the third respondent herein sent communication dated 28.05.2015 to the Revenue Divisional Officer, who in turn, sent a communication to the Tahsildar to conduct enquiry and also to issue Patta in favour of the ninth respondent/Temple, if the Temple is eligible for getting Patta. However, the Executing Officer of the said Temple has not followed up the same. Therefore, the Commissioner, Hindu Religious and Charitable Endowments Department is directed to follow up the case with the Revenue Divisional Officer. The properties are in the name of the ninth respondent/Temple, which is under the control of the Executive Officer. Therefore, the Executive Officer of the Temple/ninth respondent is directed to make a representation to the sixth respondent on or before 09.03.2024. On receipt of the same, the sixth respondent is directed to issue notice to all the interested parties/rival claimants, including the petitioner herein and conduct enquiry in the manner known to law and pass appropriate orders on merits and in accordance with law. In the enquiry, if the sixth respondent finds that the Temple is eligible for getting Patta in its favour, necessary order be passed in that regard. All such



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exercise shall be completed within a period of three months from the date of receipt of copy of the application from the ninth respondent.

7. With the above observations and direction, the Writ Petition is dismissed. No costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

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Revenue Department,
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- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.
- 3.The District Collector,
Salem.
- 4.The Assistant Director of Survey and Land Records,
Salem.

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- 5.The Revenue Divisional Officer,
Suramangalam,
Salem – 636 005.
- 6.The Tahsildar,
Manakadu,
Salem – 636 007.
7. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem – 636 001.
- 8.The Chairman,
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