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W.P.No.3852 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3852 of 2020

A/m.Ranganatha Perumal Thirukoil
Rep. by its Executive Officer,
Thiruneermalai,
Chennai – 600 132.

...Petitioner

-Vs-

1.The District Collector,
Chengalpet District,
Chengalpet.

2.The Tahsildar,
Tahsildar Office,
Pallavaram,
Chennai – 600 043
Kancheepuram.

3.G.Sankar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 2nd respondent herein to survey land measuring 5770 sq.ft., comprised in S.No.137/PT, Thiruneermalai Village, Pallavaram Taluk, based on the representation dated 03.01.2020 and pass such further orders.



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For Petitioner : Mr.S.Suriya
for M/s.A.S.Kailasam and Associates

For R1 & R2 : Mr.K.Suresh,
Additional Government Pleader

For R3 : M/s.M.Meenarukamani

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the 2nd respondent herein to survey land measuring 5770 sq.ft. comprised in S.No.137/PT, Thiruneermalai Village, Pallavaram Taluk, based on the petitioner's representation dated 03.01.2020.

2. Learned counsel for the petitioner submitted that the Petitioner is a Public Religious Temple under the control of the Tamil Nadu Hindu Religious & Charitable Endowments Department and is governed by the provisions of the Tamil Nadu Hindu Religious & Charitable Endowments Act. The Petitioner Temple is situated in Thiruneermalai. The Temple is the sole and absolute owner of vast extents of land in various Survey numbers in Thiruneermalai Village. One among such lands is land measuring 5770 sq.ft. situated in Survey No.137/PT. The Temple was exercising possessory rights



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and was using the said land for the benefit of the Deity. A portion of the said land was leased out to individuals for residential purposes.

3. Learned counsel further submitted that the Temple had let out a portion of the said land on rent to a tenant named Natrajan and the said tenant was paying rents regularly to the Temple, and the Temple has issued receipts evidencing the same. Subsequently, the tenant was evicted and the land was not used for any purpose. Shri. Thirupaan Aazhvar Bhaktha Bajanai Sabha, headed by the 3rd Respondent herein, claiming to be a Devotee of the Temple for almost 25 years, stated in a letter addressed to the Temple that the house was in a dilapidated condition and offered to demolish the place and reconstruct an "Oivu Mandapam" in its place for Devotees/Pilgrims to rest on their journey to and from the Temple. Though an extent of 5770 sq.ft. in Survey No.137/PT belongs to the Petitioner, the proposed Mandapam that was to be constructed was only to an extent of 2100 sq.ft. in the same survey number.

4. Learned counsel further submitted that, based on the said representation, the Temple sent a letter to the TN H.R. & C.E. Department seeking an appropriate order and the required permissions for the demolition



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and construction work to happen. The Commissioner, TN H.R. & C.E. Department, Chennai, by proceedings in Se.Mu.Na.Ka.No.36172/2016/Y1 dated 08.03.2017 proposed demolition and reconstruction work at an estimate of Rs.34,20,000/- along with certain conditions as to the manner in which work is to be carried out. It was made clear that neither the 3rd Respondent, the Sabha nor anyone else claiming under them can enjoy, claim or possess special or exclusive rights or privileges over the Mandapam because of the improvements made by them. Accepting the terms and conditions of the said proceedings, the 3rd Respondent did the demolition and reconstruction work.

5. Learned counsel further submitted that subsequent to permission being granted, the existing superstructure in the subject land was demolished and the Mandapam constructed in the said place. However, the keys to the said Mandapam were retained by the 3rd Respondent and neither the 3rd Respondent nor any of the members of the Sabha came forward to hand over the keys of the said Mandapam to the Temple, thereby ensuring that possession of the Mandapam remained with the 3rd Respondent after the construction. The Temple addressed a letter dated 15.12.2019 to the 3rd Respondent calling upon him to handover possession of the Mandapam to the Temple for which the 3rd Respondent took a totally surprising stand in his



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reply dated 20.12.2019 by denying the Temple's title over the said land and building in Survey No.137/PT and also informing that the keys to the Mandapam will not be handed over to the Temple in view of an alleged Revenue classification. The Temple is all along aware that the said land is classified as "Grama Natham" and the said land has been under the control, occupation and possession of the Temple. As a consequence, the 3rd Respondent having obtained possession of the same from the Temple, is estopped from claiming to the contrary.

6. Learned counsel further submitted that for the Petitioner to institute any proceedings, it is essential that the Mandapam's extent, along with the land classification, be surveyed and a Report filed for the Temple to take further action. However, the Petitioner nor their employees have been able to get anywhere near Mandapam due to the hostile approach of the 3rd respondent, as can be seen from his letter dated 20.12.2019. In such circumstances, the Petitioner sent a letter dated 03.01.2020 to the 2nd Respondent requesting the 2nd Respondent to take steps in order to measure the extent to which the 3rd Respondent has built up the Mandapam on Temple land so that the Temple can take effective steps. The 2nd respondent has



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neither responded to the said representation nor taken any steps in this regard.

Hence, the present writ petition has been filed.

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

8. In view of the limited prayer sought for, this Court issues the following directions:

- a) The second respondent / Tahsildar, Tahsildar Office, Pallavaram, Chennai, is directed to survey land measuring 5770 sq.ft., comprised in S.No.137/PT, Thiruneermalai Village, Pallavaram Taluk, based on the petitioner's representation dated 03.01.2020 on receipt of the required charges to be paid by the petitioner.**
- b) Thereafter, the second respondent is directed to give due notice to both parties by fixing the date of inspection and time for the survey of the land.**
- c) Such exercise shall be completed, preferably within a period of two months from the date of receipt of a copy of this order.**



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In the result, the writ petition stands disposed of with the above

observation and directions. No costs.

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cda

Index : Yes/No

Speaking / Non Speaking Order

To

1.The District Collector,
Chengalpet District,
Chengalpet.

2.The Tahsildar,
Tahsildar Office,
Pallavaram,
Chennai – 600 043
Kancheepuram.

J.SATHYA NARAYANA PRASAD, J.

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