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W.P.No.8626 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.8626 of 2020
and W.M.P.No.10444 of 2020

J.Jeevagaprasath

... Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Villupuram District,
Villupuram.

2.The Sub-Collector,
Tindivanam,
Villupuram District.

3.The Tahsildhar,
Tindivanam Taluk,
Villupuram District.

4.The Block Development Officer,
Olakkur Panchayat Union,
Tindivanam Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus forbearing the respondents herein,
their men, agents, assigns, or any other person authorized or claiming through



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them, from making any construction in the land in S.No.30/26 measuring an extent of measuring Ac0.40 Puthananthal Village, Vellimedupettai, Tindivanam Taluk, Villupuram District – 604 207 belonging to Sri Ananthanathar Temple; followed by restoration of classification of said land in S.No.30/26 as “Arugar Temple” instead of “Nadavanam Poramboke”.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents 1 to 5 : Mr.K.Suresh,
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the respondents herein, their men, agents, assigns, or any other person authorized or claiming through them, from making any construction in the land in S.No.30/26 measuring an extent of measuring Ac0.40 Puthananthal Village, Vellimedupettai, Tindivanam Taluk, Villupuram District – 604 207 belonging to Sri Ananthanathar Temple; followed by restoration of classification of said land in S.No.30/26 as “Arugar Temple” instead of “Nadavanam Poramboke”.

2. The case of the petitioner is that the petitioner is the Managing



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Trustee of Sri Ananthanathar Temple, which is a minority digambara jain temple, managed by the Board of Trustees. The said temple owned lands measuring to an extent of Ac 1.62 in S.No.47. This being so, during the UDR re-survey, the above mentioned land in old S.No.47 was subdivided into three and reclassified as follows – S.No.30/27 (Arugar Temple), S.No.30/26 (Nandavanam Poramboke/Floral Gardens) measuring Ac 0.40 and S.No.30/25 (Pathai/Pathway).

2.1. This being so, the temple management made a representations dated 01.08.2016 and 16.10.2018 to the Chief Minister Special Cell and first respondent to restore the S.No.30/26-Nanthavanam Poramboke as “Arugar Temple”. Further, taking advantage of the aforesaid re-classification, the respondents are taking steps to commence the construction in S.No.30/26. Hence, the petitioner has made another representations to the Chief Minister's Special Cell and the respondents 2 & 3 dated 04.06.2020 and 12.06.2020 respectively. However, no action was taken by the respondents. Hence, the petitioner has come forward with the present writ petition.



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3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 12.06.2020, within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 12.06.2020 by conducting a detailed enquiry after giving due notice to the petitioner, affording an opportunity of personal hearing, to consider the relevant documents submitted by the petitioner at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in



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accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

29.07.2024

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

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J.SATHYA NARAYANA PRASAD,J.

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