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W.A.No.1930 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1930 of 2021
and
C.M.P.No.12493 of 2021

1. S.Murali Babu
 2. S.Radhakrishnan
- ... Appellants

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Executive Officer,
Thiruvetteeswarar Temple,
Sannathi Street,
Triplicane,
Chennai - 600 005.
3. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
4. The Assistant Engineer,



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Operation & Maintenance, (TANGEDCO),
T.V.Pet,
Chennai Distribution Circle/Central,
Walajah Salai,
Chennai - 600 002.

5. The Inspector of Police,
D4 Police Station,
Zam Bazaar,
Chennai - 600 005.

[R5 is *suo motu* impleaded, vide order of court
dated 12.06.2024 made in W.A.No.1930 of 2021
by SMSJ & CKJ]

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the
order dated 03.03.2021 passed in W.P.No.13390 of 2020.

For Appellants	: Mr.K.Kannan
For R1 & R2	: Mr.S.Ravichandran Additional Government Pleader (HR & CE)
For R3 & R4	: Mr.L.Jaivenkatesh Standing Counsel for TANGEDCO
For R5	: Mr.C.E.Pradap Government Advocate (Crl.Side)

J U D G M E N T



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(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

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The writ appeal has been instituted challenging the order dated 03.03.2021 passed in W.P.No.13390 of 2020.

2. It is not in dispute between the parties that the subject properties belongs to Thiruvetteeswarar Temple, Sannathi Street, Triplicane, Chennai-5. The temple property was encroached upon by creating fraudulent documents. The Temple on earlier occasion instituted civil suit and evicted the occupants. After evicting the occupants, the appellants encroached upon the property and the police complaint filed by the Temple Authorities were not registered by the Police Authorities. Under those circumstances, we have directed the Police Authorities to look into the complaint and act in accordance with law.

3. Mr.C.E.Pradap, the learned Government Advocate (Crl.Side) appearing on behalf of the Inspector of Police, Zam Bazaar Police Station would contend that in addition to the earlier complaint, a fresh complaint has been received from the Executive Officer of the Temple and a criminal case



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has been registered against the accused persons in Crime No.109 of 2024 under Sections 420, 465, 466, 468, 471 of IPC and possession has also been taken by the Temple Authorities.

4. Ms.T.Gangadevi, the Executive Officer of Thiruvetteeswarar Temple, who appeared in person would submit that she had taken possession of the subject property.

5. It is needless to state that the temple properties are to be protected by the competent Authorities under the Hindu Religious and Charitable Endowments Act. It is a duty mandated on them to protect the properties in the interest of the temple and income arrived from and out of such properties are to be utilised for the benefit of the temple, devotees and worshippers. In the event of lapses, negligence, dereliction of duty, such Authorities are accountable and liable. This exactly is the reason why the Law Graduates are appointed as Executive Officer and higher Officials of the HR & CE Department. When such Law Graduates alone are eligible for appointment to certain important posts in the HR & CE Department, they are expected to handle these properties, temple litigations in a professional



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manner and to ensure that temple properties are protected and grabbed properties are resumed.

6. The subject properties in the present case, has been resumed by the Executive Officer. A criminal also has been registered. Thus, the Police Authority is bound to proceed with the investigation by following due process. The Executive Officer shall resume all such temple properties, if any, left out and protect the same for the benefit of the temple.

7. With these observations, the Writ Appeal stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [C.K., J.]
21.06.2024

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

1. The Commissioner,
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Uthamar Gandhi Salai,
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S.M.SUBRAMANIAM, J.
AND
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