



WEB COPY



W.P.No.12034 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12034 of 2021

and

W.M.P.Nos.17270 and 12804 of 2021

A.Radhakrishnan

...Petitioner

Vs.

1. The Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat,
Chennai – 600 009.
2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
3. The Secretary to Government,
Home Department,
Secretariat,
Chennai – 600 09.
4. The Secretary to Government,
Public (Law & Order-C) Department,
Secretariat,
Chennai – 600 009.



W.P.No.12034 of 2021

WEB COPY

5. The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam,
Chennai – 600 034.
6. The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.
7. The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
8. The Director of Survey and Settlement,
Chepauk,
Chennai – 600 005.
9. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai – 600 004.
10. The Superintendent of Police,
Anti Land Grabbing Special Cell,
Director General of Police Office,
Dr.Radhakrishnan Salai,
Chennai – 600 004.
11. The Director,
Vigilance and Anti Corruption Department,
Alandur,
Chennai – 600 016.
12. The Inspector General of Police,
West Zone,
Coimbatore.



W.P.No.12034 of 2021

WEB COPY

13. The Special Officer of Temple Lands cum District Revenue Officer,
Hindu Religious & Charitable Endowments Department,
Coimbatore.
14. The Regional Deputy Director of Survey and Land Records,
Collectorate Campus,
Coimbatore.
15. The Commissioner of Police,
Salem – 636 006.
16. The Inspector of Police,
Cyber Crime Cell,
Salem – 636 006.
17. The Inspector of Police,
Kannankurichi Police Station,
Salem – 636 008.
18. The District Collector,
Dharmapuri.
19. The Additional District Executive Magistrate cum District Revenue Officer,
Dharmapuri.
20. The Sub Divisional Executive Magistrate cum Revenue Divisional Officer,
Dharmapuri.
21. The Taluk Executive Magistrate cum Tahsildar,
Pennagaram,
Dharmapuri.
22. The Joint Commissioner,



W.P.No.12034 of 2021

Hindu Religious & Charitable Endowments Department,
Salem.

WEB COPY

23. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.
 24. The Fit Person,
Arulmigu Mariamman Thirukoil,
Moravalli,
Papparapatti Village,
Pennagaram Taluk,
Dharmapuri District.
 25. The Inspector,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.
 26. Thiru Perumal.
The Sub Inspector of Police,
Papparapatti,
Dharmapuri.
 27. S.Sekar
 28. R.Munusamy
 29. K.Thirupathy
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 23rd to secure and safeguard the 24th respondent Temple and its properties from the respondents 27 to 29 and others and restore the same into 24th respondent temple by considering the petitioner representation dated 13.05.2021.



WEB COPY



W.P.No.12034 of 2021

For Petitioner : Mr.A.Radhakrishnan (Party-in-Person)

For Respondents : Mr.LSM.Hasan Fikal, AGP, R2 to R4, R6
to R12, R14 to R21
Mr.NRR.Arun Natarajan, SGP for RR1, 5,
13, 22 to 25

ORDER

This Writ Petition has been filed seeking to direct the respondents 1 to 23rd to secure and safeguard the 24th respondent Temple and its properties from the respondents 27 to 29 and others and restore the same into 24th respondent temple by considering the petitioner representation dated 13.05.2021.

2. Since no adverse order has been passed against the respondents 27 to 29, notice to them is dispensed with.

3. It is the case of the petitioner that in order to secure and safeguard the properties of the 24th respondent / Temple namely Arulmigu Mariamman Thirukoil, Moravalli Papparapatti Village, Pennagaram Taluk, Dharmapuri District from encroachments and auction by private respondents, the



W.P.No.12034 of 2021

petitioner has made a representation dated 13.05.2021 seeking the same relief. Since no action has been taken by the official respondents, the present writ petition has been filed.

4. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 to 23 to consider the petitioner's representation dated 13.05.2021 and pass appropriate orders within the time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents RR1, 5, 13, 22 to 25 submits that appropriate action will be taken by the Hindu Religious and Charitable Endowments Department to secure and safeguard the interest of the Temple. He further pointed out the counter affidavit filed by the respondent No.24 and the relevant portion in paragraph Nos.7, 11 and 14 of the counter affidavit is extracted as under:

7. I most respectfully submit that the alleged temple property was inspected and measured by Temple Lands Thasildar (retired), Temple Land



surveyor (retired), Village Administrative officer, Revenue Land Surveyor, Village Elders and common people residing in that village and report of the Pennagaram Thasildar and its physical features are noted and are listed as follows:-

- 1.48 residence.
2. Village MIDDLE School.
3. Ration Shop.
4. Rice Kalam
5. Magalir Suyavoothavi Kzhoo Building.
6. Common latrine.
7. Crematorium
8. Farmers Society Building
9. Sky Foundation limited Building.
10. 2 water Tanks.
11. 2 Borewells.
12. Transformer
13. Thar Road.

The above entries/physical features are found in the alleged property. There is also cultivation being done in the part of the said land and it has been reported by the Inspector, HR & CE Department.

11. I most respectfully submit that since the Land in Survey No.361, Extent 6.82 Acres of land



belongs to the Mariamman Koil Situated in Agraharam of Papparapatti Moravalli Village, The HR & CE Department has taking appropriate steps as per law to protect the interest of the Temple with regard to the property in question. The HR & CE Department is initiating process for the cancelling the Document No.2758/2008 registered in the office of Sub-Registrar, Palacode. The 23rd Respondent has vide Rc.No.1893-1/2021/A6 dated:26.05.2021 requested the Sub-registrar, palacode to cancel the above said documents No.2758/2008 registered in the office Sub-Registrar, Palacode. Meanwhile Assistant Commissioner (23rd respondent) called enquiry on 14.06.2021. Based on enquiry directed the inspector to take control of the temple and also directed him to give preliminary report. Based on the preliminary report given by inspector on 15.06.2021 and based on the preliminary enquiry conducted by the 23rd respondent, 23rd respondent felt that it is essential to take control of the temple and has sent notice for appointing Fit person on 16.06.2021.

14. I most respectfully submit that According to Document No.950/1982 and Document No.951/1982 registered in the office of Sub-registrar, Palacode, an



endowment was created in favour of the temple i.e, the Mariamman Koil Situated in Agraharam of Papparapatti Moravalli Village. The conditions stated in the documents No.950/1982 and document No.951/1982 registered in the office of Sub-Registrar, Palacode will be scrupulously followed by the HR & CE Department. Hence the HR & CE Department will protect the interest of the Temple as per law. This honorable court should give appropriate orders to protect the interest of the temple. The Respondent reserves his rights to file additional counter as and when necessary.

6. Heard the learned counsel appearing on either side and perused the materials placed on record.

7. In the light of the undertaking given in the counter affidavit filed by the respondent No.24, this Court directs the respondent Nos. 1, 5, 13, 22 to 25 to implement the undertaking given by the respondent No 24 in paragraph Nos.7, 11 and 14 of the counter affidavit within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.No.12034 of 2021

WEB COPY 8. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

rap

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat,
Chennai – 600 009.
2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
3. The Secretary to Government,
Home Department,
Secretariat,
Chennai – 600 09.
4. The Secretary to Government,
Public (Law & Order-C) Department,

10/14



W.P.No.12034 of 2021

- Secretariat,
Chennai – 600 009.
5. The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam,
Chennai – 600 034.
6. The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.
7. The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
8. The Director of Survey and Settlement,
Chepauk,
Chennai – 600 005.
9. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai – 600 004.
10. The Superintendent of Police,
Anti Land Grabbing Special Cell,
Director General of Police Office,
Dr.Radhakrishnan Salai,
Chennai – 600 004.
11. The Director,
Vigilance and Anti Corruption Department,
Alandur,
Chennai – 600 016.
12. The Inspector General of Police,
West Zone,



W.P.No.12034 of 2021

Coimbatore.

WEB COPY

13. The Special Officer of Temple Lands cum District Revenue Officer, Hindu Religious & Charitable Endowments Department, Coimbatore.
14. The Regional Deputy Director of Survey and Land Records, Collectorate Campus, Coimbatore.
15. The Commissioner of Police, Salem – 636 006.
16. The Inspector of Police, Cyber Crime Cell, Salem – 636 006.
17. The Inspector of Police, Kannankurichi Police Station, Salem – 636 008.
18. The District Collector, Dharmapuri.
19. The Additional District Executive Magistrate cum District Revenue Officer, Dharmapuri.
20. The Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Dharmapuri.
21. The Taluk Executive Magistrate cum Tahsildar, Pennagaram, Dharmapuri.

12/14



W.P.No.12034 of 2021

WEB COPY

22. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem.
23. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.
24. The Fit Person,
Arulmigu Mariamman Thirukoil,
Moravalli,
Papparapatti Village,
Pennagaram Taluk,
Dharmapuri District.
25. The Inspector,
Hindu Religious & Charitable Endowments Department,
Dharmapuri.
26. Thiru Perumal.
The Sub Inspector of Police,
Papparapatti,
Dharmapuri.



WEB COPY



W.P.No.12034 of 2021

M.DHANDAPANI, J.

rap

W.P.No.12034 of 2021

06.09.2024