



W.P.No.13047 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13047 of 2018

and

WMP.No.15328 of 2018

L.Ramaseshan

...Petitioner

Vs.

1. The Superintending Archaeologist,
Archaeological Survey of Indian,
Chennai Circle, St. Fort George,
Secretariat, Chennai – 600 009.
2. The District Collector,
Thiruppur District.
3. The Commissioner, HR & CE,
Nungambakkam, Chennai.
4. The Archaeological Officer,
Department of Archaeology,
31-32, Valluvar Street, Sivananda Colony,
Tatabad, Coimatore – 600 012.
5. The Superintendent of Police,
Thiruppur District.
6. The Inspector of Police,
Moolanur Police Station,
Thiruppur District.



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7. V.Sivabalakrishnan

8. S.Subramani

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from demolishing and interfering with the day to day activities of 500 years old Archaeological Temple namely Sri Varadharajaperumal Temple along with lands owned by the petitioner situated at Anupapatti Village, Dharapuram Taluk, Thiruppur District without holding the enquiry by the 2nd respondent.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mr.G.Karthikeyan, for R1
: Mr.LSM.Hasan Fizal, AGP, for R2,
: Mr.K.Karthiken, GA, for R3
: Mr.L.Baskaran, GA (Crl. Side), for R5 & R6
: No Appearance, for R4, 7 & 8

ORDER

This Writ petition has been filed seeking to forbear the respondents from demolishing and interfering with the day to day activities of 500 years old Archaeological Temple namely Sri Varadharajaperumal Temple along with lands owned by the petitioner situated at Anupapatti Village Dharapuram Taluk, Thiruppur District without holding enquiry by the 2nd respondent.



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2. The case of the petitioner is that, the schedule mentioned lands are unenfranchised devadyam inam and the inam was granted for the support of Varadharajaperumal Temple at Annuppapatti hamlet of Kilankuntal permanently in T.D.No.1139 and not to any individual. Further, Ryotwari patta was allowed in favour of the Varadaraja Perumal temple represented by the two hereditary arohakars namely Lakshmana Bharathi and Krishnamoorthy and after their demise, their legal heirs namely the petitioner and Kamalanathan have been appointed to operate Bank Account maintained for One time Pooja Scheme and patta pass book was also issued in the name of the petitioner's father and said Krishnamoorthy and now in the name of Anupapatti Varadharajaperumal Temple. Further, on 09.05.1988, the Tahsildar issued direction to include the name of the petitioner's father in the Chitta and the petitioner and his forefathers have been continuously performing Pooja for the past 500 years. While such being the case, on 18.05.2018, the 7th and 8th respondents along with other persons made illegal attempt to take possession of the above said temple and they also issued pamphlets stating that they are going to demolish the temple and perform Boomi Pooja on 31.05.2018. Immediately, the petitioner preferred complaints dated 22.05.2018 and 18.05.2018 before the



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5th and 6th respondents respectively regarding the above said illegal activities of the 7th and 8th respondents, which evoked no response. Hence, the petitioner has come up with this Writ petition seeking to prevent the 7th and 8th respondents from demolishing and interfering in any manner with the day to day activities of the Sri Varadharajaperumal Temple and also with the lands owned by the petitioner.

3. Heard learned counsel on either side and perused the materials available on records.

4. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, as the relief sought for by the petitioner in the present Writ petition cannot be decided by this Court under Article 226 of the Constitution of India, this Court, while dismissing this Writ petition without going into the merits of the case, grants liberty to the petitioner to workout the remedy in the manner known to law.



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5. Accordingly, this Writ petition stands dismissed with a liberty to

the petitioner to workout the remedy in the manner known to law. No costs.

Consequently, the connected Miscellaneous petition is closed.

03.09.2024

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Superintending Archaeologist,
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2. The District Collector,
Thiruppur District.
3. The Commissioner, HR & CE,
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Moolanur Police Station, Thiruppur District.

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M.DHANDAPANI, J.

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