



W.P.No.1620 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

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

W.P.No.1620 of 2018

and

WMP.No.2036 of 2018

N.Thimmarayappa

...Petitioner

Vs.

1. The District Collector,
Krishnagiri District.
2. The Deputy Inspector General of Police,
Yercaud Main Road, Salem-636 007.
3. The Taluk Executive Magistrate/Tahsildar,
Hosur, Krishnagiri District.
4. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Salem-1.
5. Ramappa
6. Rajappa
7. Muniappa
8. Narasimhappa
9. Lokesh
10. Venkatamma



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...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in Na.Ka.2796/17/L.R.2 dated 29.12.2017, quash the same and consequentially issue direction directing the respondents 1 and 2 to give protection to the petitioner to renovate and reconstruct the temple of Arulmigu Karaga Devatha Amman Thirukoil, Singasathanapalli, Hosur Taluk, Krishnagiri District by considering his representation dated 21.06.2017.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.Yokesh Kannadasan, for R1 to R3
: Mr.S.Ravichandran, AGP, for R4
: Mr.R.Bharathkumar, for R5-7, 9 & 10
: Not ready in notice, for R8

ORDER

This writ petition has been filed challenging the proceedings dated 29.12.2017, in and by which, the 1st respondent rejected the request of the petitioner to recover the properties belonging to Arulmigu Karaga Devatha Amman Thirukoil, Singasathanapalli, Hosur Taluk, Krishnagiri District and to direct the 1st and 2nd respondents to consider his representation dated 21.06.2017 so as to give protection to the petitioner to renovate and reconstruct the temple.



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WEB COP 2. The case of the petitioner is that, Arulmigu Karaga Devatha Amman Thirukoil, Singasathanapalli, Hosur Taluk, Krishnagiri District has several vacant lands. In order to maintain the temple and to safeguard the temple properties, the petitioner approached various authorities and with the able assistance of one Mr.A.Radhakrishnan, who is the Founder and President of Thiruthondargal Sabai, the 3rd respondent visited the temple and sent a detailed report dated 06.06.2017 to the 1st respondent making recommendations for the appointment of a trustee and for renovation of the temple and the petitioner also made a representation dated 21.06.2017 to respondents 1 to 4 and various other authorities to take appropriate action in line with the report of the 3rd respondent dated 06.06.2017. Since the said representation did not evoke any response, earlier, the petitioner filed W.P.No.25191 of 2017 and this Court, by order dated 20.09.2017, disposed of the said writ petition, directing the 1st respondent to consider the said representation after taking into consideration the report of the 3rd respondent. Once again, the petitioner approached the 1st respondent by sending a representation dated 09.11.2017. However, without taking into consideration the report of the 3rd respondent dated 06.06.2017, the 1st



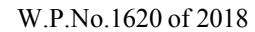
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respondent passed the impugned order dated 29.12.2017, in and by which,

the 1st respondent rejected the petitioner's request. Challenging the same, the petitioner is before this Court.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent and the temple authorities to renovate and reconstruct the above said temple as expeditiously as possible.

4. Learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that, though the petitioner claim that the above said the temple is located in S.No.40/1, it is not so and the same is situated in S.No.28/24, which is classified as Grama natham, with an extent of 13 sq.meters. The 1st respondent did not give permission to the petitioner to renovate and reconstruct the temple, since, there are two rival groups in the village and if the 1st respondent permits the petitioner to renovate and reconstruct the temple, it will lead to law and order problem. Hence, the 1st respondent had rightly rejected the petitioner's request and the same does not warrant interference of this Court. Accordingly, he sought to dismiss the



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8. The petitioner claims himself to the executive trustee of Arulmigu Karaga Devatha Amman Thirukoil, situated at Singasathanapalli, Hosur



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Taluk, Krishnagiri District. It is the fervent plea of the petitioner that the

temple was constructed in the land comprised in S.No.40/1. However, in the impugned order, the 1st respondent has given a categorical finding that during the Land Upgradation scheme, the land in S.No.40/1 stood in the name of one Raja Rao. However, the patta granted to the said Raja Rao was revoked as per the order dated 21.07.1987 made in CMA.No.1/84 and the same was also confirmed by this Court in order dated 14.06.1988 in S.D.A.12/87. Pursuant to such order, the patta granted in favour of the said Raja Rao was cancelled. Therefore, the 1st respondent contend that pursuant to the order passed by this Court in S.D.A.12/87, the revenue records have been reclassified and the land in S.No.40/1 was classified as 'Anadeenam'. Therefore, the plea of the petitioner that the temple in question is in S.No.40/1 cannot be countenanced. Therefore, it was observed by the 1st respondent in the impugned order that the temple in question is in the land in S.No.28/24.

9. However, it is to be pointed out that the controversy, as to whether the temple is constructed in the land in S.No.28/24 cannot be gone into by this Court in this Writ petition. However, the fact remains that there is a



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temple in existence and that temple is in a dilapidated condition. Therefore, it is suffice to permit the temple authorities to reconstruct/renovate the said temple.

10. Insofar as the question as to whether the temple is in existence in S.No.40/1 or in S.No.28/24 is left open to be adjudicated in an appropriate proceedings.

11. Subject to the above observations, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2024

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Index : Yes (or) No
Neutral Citation : Yes (or) No
Internet : Yes (or) No

To

1. The District Collector,
Krishnagiri District.
2. The Deputy Inspector General of Police,
Yercaud Main Road, Salem-636 007.



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M.DHANDAPANI, J.

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3. The Taluk Executive Magistrate/Tahsildar,
Hosur, Krishnagiri District.
4. The Joint Commissioner,
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