



W.P.No. 17984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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A. Duraisamy

.. Petitioner

Versus

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Office,
Thiruppur.

2. The Inspector,
Hindu Religious and Charitable Endowment Office,
Udumalaipettai, Thiruppur District.

3. The Panchayat President,
Pudupalayam Panchayat,
Udumalai Taluk,
Thiruppur District.

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the first and second respondents not to disturb the petitioner at Arulmigu Vinayagarkoil, in survey Nos.173/3 and 205/3F, situated at Pudupalayam Panchayat,



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Udumalaipettai Taluk, Tiruppur District under the Control of the petitioner based on the petitioner's representation dated 21.12.2023, without due process of law and pass orders.

For Petitioner : Mr.T. Ramasamy
For Respondent : Mr. K. Karthikeyan
Government Advocate

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the first and second respondents not to disturb the petitioner at Arulmigu Vinayagarkoil, in survey Nos.173/3 and 205/3F, situated at Pudupalayam Panchayat, Udumalaipettai Taluk, Tiruppur District under the Control of the petitioner based on the petitioner's representation dated 21.12.2023.

2. The facts of the case is that the petitioner's ancestors have executed a deed in the year 1926 in Survey No.173/3 and 205/3F to an extent of hectares 0.66.0 and 0.95.0 and it has been clearly mentioned in the settlement deed that the said Arulmigu Vinayagarkoil should be



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maintained by the income derived from the said lands and in the deed it is further stated that the ancestors of the family have powers to appoint the temple poojari. As such poojari was also appointed and remuneration was also paid to him. When this being the case, the 3rd respondent/Panchayat President interfered in the temple administration and passed a resolution to change the patta of the above mentioned survey number. Pursuant to which the Revenue Divisional Officer, Udumalaipet, conducted an enquiry and passed an order against the petitioner. Thereafter, the petitioner preferred an appeal before the District Revenue Officer, Tiruppur. However, the 3rd respondent continued to threaten the petitioner and attempted to hand over the temple administration to the first and second respondents. Hence, the petitioner made a representation to the first and second respondents on 21.12.2023 not to disturb the petitioner peaceful possession in Survey Nos.173/3 and 205/3F, situated at Pudupalayam Panchayat, Udumalaipettai Taluk, Tiruppur District. However, there was no progress in the said representation till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that it would be



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suffice if this Court issues a direction to the first and second respondents to consider the petitioner's representation dated 21.03.2023 and pass orders.

4. The learned Special Government Advocate appearing for the respondents produced a letter of the Inspector in Na.Ka.No.24/2023 dated 06.07.2024, wherein it was stated that as there is a possibility for the subject lands to be encroached by any third party they have sent a letter to the Commissioner, HR&CE to take over the administration of the temple's land.

5. Heard both sides and perused the materials available on record.

6. In view of the above it is made clear that the respondents have considered the plea of the petitioner and taken action to certain extent. Hence, this Court directs the petitioner to approach the concerned authorities to proceed further. The respondents are also directed to take action as expeditiously as possible in the manner known to law.



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7. With the aforesaid direction, this Writ Petition is disposed of.

No order as to costs.

09.07.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Office,
Thiruppur.

2. The Inspector,
Hindu Religious and Charitable Endowment Office,
Udumalaipettai, Thiruppur District.

3. The Panchayat President,
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Thiruppur District.



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V.BHAVANI SUBBAROYAN, J.

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