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W.P.No.21993 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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A.Radhakrishnan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.
- 2.The District Collector,
Room No.101, 1st Floor,
Collectorate,
Salem – 636 001.
- 3.The Regional Deputy Director of
Survey & Land Records Department,
Collectorate Campus,
Coimbatore – 641 018.
- 4.The Deputy Inspector General of Police,
Backside of Jail Superintendent Bungalow,
Salem – 636 007.
- 5.The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Mettur – 636 401.
- 6.The Deputy Inspector General of Registrations,



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Collectorate Campus,
Salem – 636 001.

7.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Arulmigu Kottai Mariamman Temple Campus,
Salem – 636 001.

8.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Arulmigu Kottai Mariamman Temple Campus,
Salem – 636 001.

9.The Fit Person,
Arulmigu Obliraya Perumal Temple,
Nadupatty Village,
Omalur Taluk, Salem District – 636 351. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to secure and safeguard the property belonging to the 9th respondent situated in S.F.No.57/1, 31 at Nadupatty Village and 7/5 at Nachinampatty Village, Omalur Taluk, Salem District and also take appropriate action as against the erring officials who failed to secure and safeguard the 9th respondent properties by considering the 1st respondent's circulars dated 12.04.2007, 15.05.2008, 17.08.2012 and 01.08.2013 and petitioner's representations dated 25.05.2018 and 23.07.2019.

For Petitioner : Party-in-Person

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader [R1, R7 to R9]
Mr.U.Baranidharan
Additional Government Pleader [R2, R3, R5]



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& R6]
Mr.L.Baskaran
Government Advocate (Crl.Side) [R4]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to secure and safeguard the property belonging to the 9th respondent situated in S.F.No.57/1, 31 at Nadupatty Village and 7/5 at Nachinampatty Village, Omalur Taluk, Salem District and also take appropriate action as against the erring officials who failed to secure and safeguard the 9th respondent properties by considering the 1st respondent's circulars dated 12.04.2007, 15.05.2008, 17.08.2012 and 01.08.2013 and petitioner's representations dated 25.05.2018 and 23.07.2019.

2. The case of the petitioner is that, he is an ardent devotee of the 9th respondent temple, namely Arulmigu Obliraya Perumal Temple and he is residing near the temple area. He used to visit the 9th respondent temple frequently for worship and the said temple is under the control of HR & CE Department. On his visit, he found that the 9th respondent temple has



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several properties viz., S.F.No.57/1, 31 to an extent of 1.94.5, 1.05.5 at Nadupatti Village and S.F.No.7/5 to an extent of 0.34.0 hectares at Nachinampatty Village, Omalur Taluk, Salem District and the income derived from the said properties was utilized for the welfare of the temple. However, the properties in S.F.No.7/5 belonging to the said temple has been grabbed by some persons, thereby in order to secure and safeguard the properties of the said temple, the petitioner made representations dated 25.05.2018 and 23.07.2019. Since the same was not considered, the petitioner has filed the present writ petition before this court.

3. Though very many grounds have been raised in this writ petition, the petitioner (Party-in-Person) submits that, it would suffice, if this court, issues a direction to the respondents 1 to 8 to take appropriate action as against the erring officials, who failed to secure and safeguard the 9th respondent temple properties by considering the 1st respondent's circulars dated 12.04.2007, 15.05.2008, 17.08.2012 and 01.08.2013 and the representations of the petitioner dated 25.05.2018 and 23.07.2019.



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4. Learned Special Government Pleader appearing for the respondents 1, 7 to 9 submitted that, the temple owns the following properties :-

(a) Nadupatty Village, Patta No.1

S.No.39/1A – 2.60 acres Punjai – auction
conducted on 12.09.2019

S.No.57/1 – 4.80 acres Punjai

(b) Nanjampatty Village, Patta No.264

S.No.E 7/5 – 0.84 cents Nanjai

5. He further submitted that the land register clearly shows the name of the temple in Adangal and other documents and the above said lands are under the possession of the temple. The lands have been let out by way of public auction.

6. Considering the limited request made by the petitioner (Party-in-Person), this court, without going into the merits of the case, directs the respondents 1 to 8 to secure and safeguard the properties owned by the 9th respondent temple by considering the representations of the petitioner dated 25.05.2018 and 23.07.2019, within a period of twelve (12) weeks from the date of receipt of a copy of this order, if any encumbrance or



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encroachment is made.

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7. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

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M.DHANDAPANI, J.

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