



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.28448 of 2019

A.Radhakrishnan

.. Petitioner

-VS-

- 1.The District Collector,
Room No.101,
1st Floor, Collectorate,
Salem-636 001.
- 2.The Regional Deputy Director of Survey,
Collectorate Campus,
Coimbatore-18.
- 3.The Commissioner of Police,
Line Medu,
Salem-636 006.
- 4.The Deputy Inspector General of Police,
Jail Superintendent Bungalow Backside,
Salem-636 007.



- ## .. Respondents

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For Petitioner : Mr.A.Radhakrishnan
[Petitioner-in-Person]
For Respondents-1 to 7 : Mr.G.Krishna Raja,
Additional Government Pleader.
For Respondent-8 : Mr.K.Ravindranath
For Respondent-9 : Mr.K.Karthikeyan,
Government Advocate (HR&CE).

ORDER

The Writ of Mandamus has been instituted to direct the respondents to secure and safeguard the property in S.F.No.141/1,2,3,7 situated at Amani Kanjanaickenpatty Village, Kadayampatti Taluk, Salem District by considering the representation submitted by the petitioner to the first respondent-District Collector on 25.07.2019.

2. The petitioner-in-person Mr.A.Radhakrishnan would submit that the subject property as described in the affidavit filed in support of the present writ petition was bequeathed in the name of Deity Lord Sree Venkateshwara at Tirumala Tirupaathi Devasthanam, State of Andhra



Pradesh. The property was donated for the purpose of conducting Prammohatsavam of “Tahi Aaradhanai”. The property has been grabbed by few land grabbers and the complaint given by the petitioner to the first respondent-District Collector has not been considered. Since no action has been taken by the first respondent-District Collector, the present writ petition came to be instituted by the writ petitioner.

3. The petitioner-in-person would state that the valuable properties donated as endowment in favour of Tirumala Tirupathi Devasthanam has not been resumed by the Competent Authorities and the complaint submitted also has not been considered.

4. Pertinently, Tirumala Tirupathi Devasthanam is not the Religious Institution governed under the provisions of Tamil Nadu Hindu Religious and Charitable Endowments Act. Even for recovery of property under Section 41 of the Hindu Religious and Charitable Endowments Act, the first respondent-District Collector cannot initiate action, since the temple property is not controlled by the Competent Authority under the Hindu Religious and Charitable Endowments Act. Therefore, the petitioner



or the Tirumala Tirupathi Devasthanam has to institute appropriate civil suit for the purpose of recovery of possession and for other relief by approaching the Competent Civil Court of Law having jurisdiction.

5. In this context, the learned counsel appearing on behalf of Tirumala Tirupathi Devasthanam made a submission that the petitioner may submit the details regarding the property to the eighth respondent-Executive Officer, Tirumala Tirupathi Devasthanam, K.T. Road, Tirupathi-517 501 for the purpose of initiation of further action to protect and safeguard the property stands in the name of Deity Lord Sree Venkateshwara at Tirumala Tirupathi Devasthanam.

6. Therefore, the eighth respondent is directed to look into the correctness of the statement made by the petitioner with reference to the documents and accordingly initiate all appropriate actions to safeguard and protect the property bequeathed in the name of minor Deity that is Lord Sri Venkateshwara at Tirumala Tirupathi Devasthanam.

7. In this regard, the petitioner states that he will send a fresh



representation along with the documents and necessary particulars to the eighth respondent- Executive Officer, Tirumala Tirupathi Devasthanam, K.T. Road, Tirupathi-517 501. However, the representation submitted by the petitioner to the first respondent-District Collector, Salem cannot be acted upon and therefore, directing the first respondent-District Collector, Salem to dispose of the representation submitted by the petitioner on 25.07.2019 would do no service to the cause of justice.

8. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs.

29-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The District Collector,
Room No.101,
1st Floor, Collectorate,
Salem-636 001.
2. The Regional Deputy Director of Survey,
Collectorate Campus,
Coimbatore-18.
3. The Commissioner of Police,
Line Medu,
Salem-636 006.
4. The Deputy Inspector General of Police,
Jail Superintendent Bungalow Backside,
Salem-636 007.
5. The Assistant Director of Survey,
2nd Floor, Collectorate,
Salem-636 001.
6. The District Registrar (West),
3rd Floor, Collectorate,
Salem-636 001.
7. The Revenue Divisional Officer,
Mettur-636 401,
Salem District.
8. The Executive Officer,
Tirumala Tirupathi Devasthanams,
K.T.Road,
Tirupathi-517 501.



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S.M.SUBRAMANIAM, J.

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9. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.119, Nungambakkam High Road,
Chennai-600 034.

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