



WEB COPY



W.P.No.26819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

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

W.P.No.26819 of 2024

Vijayarangan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem-I.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem I.
4. The Inspector,
Hindu Religious and Charitable Endowments,
Salem I.
5. V.R.Manickkam
6. R.Ramasamy
7. R.Manickkam
8. D.Senthil Kumar

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents No.1 to 4 to take action against the respondents No.5 to 8 for the unauthorized usage of Land belonging to Arulmigu Centraya Perumal Temple (TM008272) in S.No.101 at Vadugapatti Village in Salem District and retrieve the same by considering the petitioners representation dated 02.07.2024.

For Petitioner : Mr.V.Vishnu

For Respondents : Mr.NRR.Arun Natarajan, Spl.GP, for R1-4

ORDER

This Writ petition has been filed seeking direction to the respondents 1 to 4 to take action against the respondents 5 to 8 for the unauthorized usage of Land belonging to Arulmigu Centraya Perumal Temple comprised in S.No.101 at Vadugapatti Village in Salem District and retrieve the same by considering the petitioner's representation dated 02.07.2024.

2. Mr.NRR.Arun Natarajan, learned Special Government Pleader takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.



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4. The case of the petitioner is that, the petitioner is the resident of Vadugapatti village and he is the owner of the land comprised in S.No.104 at Vadugapatti Village, Salem District, measuring an extent of 3 acres 23 cents and he is eking out his livelihood from the income arising out of the said land, by doing cultivation and adjacent to the petitioner's land, there is a land comprised in S.No.101, which belongs to Arulmigu Centraya Perumal Temple. While so, the respondents 5 to 8 herein are doing cultivation in the above said temple land and are making illegal attempts to encroach the same and they also prevented the petitioner from using the cart track running in the northern side of the said temple land. Thereby, the petitioner made a complaint before the law enforcing agency on 01.07.2024, which evoked no response. Thereafter, the petitioner made a representation dated 02.07.2024 before the respondents 1 to 4 seeking to take action against the private respondents, however, till date, no orders have been passed on the said representation. Hence, the petitioner has come up with this Writ petition.

5. 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 respondents 1 to 4 to consider the petitioner's representation



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dated 02.07.2024 and to consequently take action against the respondents 5 to 8 for the unauthorized usage of land comprised in S.No.belonging to Arulmigu Centraya Perumal Temple and retrieve the same as expeditiously as possible.

6. Learned Special Government Pleader appearing on behalf of the respondents 1 to 4 submitted that, the private respondents are not misusing the temple land for personal gain and it is the petitioner who is using the temple land as Vandi pathai to reach his land comprised in S.No.104. He further submitted that in order to generate income, the officials have already brought the said temple land for public auction and the same is going to be held on 24.09.2024 and if at all the petitioner is aggrieved, he can very well participate in the public auction to be held in the near future.

7. On a careful perusal of the submissions advanced by the learned counsel either side, it is evident that, though the petitioner claims that the temple land is being misused by the private respondents, however, it is the submission of the learned Special Government Pleader that, it is the petitioner who is using the said temple land comprised in S.No.101 as Vandi



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pathai to reach his land comprised in S.No.104. In such view of the matter, no affirmative direction can be issued in favour of the petitioner. However, it is open to the petitioner to participate in the public auction to be conducted by the officials on 24.09.2024.

8. For the reasons aforesaid, this Writ petition stands dismissed with a liberty to the petitioner to participate in the public auction to be conducted by the officials and workout out his remedy in the manner known to law. No costs.

18.09.2024

skt

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

Note to office: Issue order copy on 24.09.2024.

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem-I.

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M.DHANDAPANI, J.

skt

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem I.
4. The Inspector,
Hindu Religious and Charitable Endowments,
Salem I.

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