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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.27126 of 2024

A.Radhakrishnan

.... Petitioner

Vs.

1. The Secretary to Government,
Public (Special A) Department,
Secretariat,
Chennai - 600 009.
2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
3. The Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 009.
4. The Secretary to Government,
Tourism Culture & Endowments Department,
Secretariat,
Chennai - 600 009.



5. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
6. The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
7. The Director of Survey and Settlement,
Chepauk,
Chennai - 600 005.
8. The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai - 600 034.
9. The Inspector General of Police,
West Zone,
Coimbatore- 641 018.
10. The District Executive Magistrate cum
District Collector,
Salem Town - 636 001.
11. The District Revenue Officer,
Salem Town - 636 001
12. The Sub Divisional Executive Magistrate cum Revenue Divisional
Officer,
Sankari - 637 301,



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Salem District.

13. The Taluk Executive Magistrate cum Tahsildar,

Sankari - 637 301,

Salem District.

14. The Tahsildar,

Temple lands,

Arulmigu Kottai Mariamman Temple Campus,

Salem Town - 636 001.

15. The Deputy Inspector General of Registration department,

Kumaragiri Bye pass,

Salem - 636 014.

16. The Joint Commissioner,

Hindu Religious & Charitable Endowments Department,

Salem - 636 001.

17. The Assistant Commissioner,

Hindu Religious & Charitable Endowments Department,

Salem - 636 001.

18. The Inspector,

Hindu Religious & Charitable Endowments Department,

Sankari - 637 301,

Salem District.

19. The Present Administrator,

Arulmigu Elameswarar Temple,

Kottai Medu - 637 103,



Magudanchavadi Post,
Ernapuram Village,
Sankari Taluk,
Salem District.

20. The Present Administrator,
Arulmigu Athanooramman temple,
Kottai Medu - 637 103,
Magudanchavadi Post,
Ernapuram Village,
Sankari Taluk,
Salem District.

....Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 to 5 to issue suitable direction to the 8th and 10th resettlements to safeguarded th interest of 19th and 20th respondent temples and its properties by considering petitioner representation dated 27.03.2024 .

For Petitioners	: Mr.A.Radhakrishnan (P-in-P)
For Respondents	: Mr.K.Karthikeyan, GA (HR&CE)
	<i>RR4,8,14, 16 to 18</i>
	<i>Mr.L.Baskaran, GA (Crl. Side) R9</i>
	<i>Mr.T.Chezhiyan, AGP R15</i>
	<i>Mr.LSM. Hasan Fizal, AGP</i>
	<i>RR1 to 3, 5 to 7, 10 to 13</i>



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ORDER

This petition has been filed seeking a direction to the respondents 1 to 5 to issue suitable direction to the 8th and 10th resettlements to safeguarded th interest of 19th and 20th respondent temples and its properties by considering petitioner representation dated 27.03.2024.

2. The case of the petitioner is that the petitioner is a social activist. On 07.12.2015 in the presence of respondents authorities various temple properties at 10th respondent district have been inspected and at that time the revenue records of resettlement register of the year 1937 had been inspected and the same was revealed that the property in S.F.No.61/2 to an extent of 5.44 acres and in S.F.No.213/2 to an extent of 5.17 acres is belonging to 19th respondent and in respect of property in S.F.110.61/3 to an extent of 2.76 acres is belonging to 20th respondent temple. Immediately after knowing the same, there was a instruction to 11th respondent that to secure the said properties and issue patta to in favour of respective temples and restore the said properties to in favour respective temples.



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3. Despite of such instruction to the revenue authority to secure and safeguard the properties stated supra to in favour of respective temples, there was no steps in securing and safeguarding the same and thereby the petitioner made a detailed representation dated 27.03.2024 to the respondents 1 to 5 and 8th respondent for want of appropriate steps to safeguard the properties at once. But after lapse of more than six months they have not taken any steps to secure and safeguard the properties stated in his representation.

4. It is relevant to point out that in the petitioner's representation, he specifically made complaint to the 8th respondent and thereby brought to his knowledge that there was a danger to the 19th and 20th respondent temple properties, even though the 19th and 20th respondent temple are not under the control of 8th respondent, when the question of mismanagement and danger to the minor properties, the 8th respondent has power to deal with the same as per the Tamil Nadu HR & CE Act. Further in his representation, he specifically request to take the control of 19th and 20th respondent temple and appoint a Fit person to administer the same. But as of



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now they have not considered the representation dated 27.03.2024 of the petitioner. Hence this writ.

5.The Petitioner/Party-in-person has produced the letter dated 01.08.2024 sent by the Tahsildar, HR & CE, Salem for taking necessary step to recover the lands with regard to the lands in S.Nos.61/3, 61/2 and 213/2 which are the temple lands, have transferred in favour of the individual persons. The petitioner prayed that this Court may issue a direction to the 17th respondent to implement the letter sent by the 14th respondent dated 01.08.2024 within the stipulated time frame as fixed by this Court.

6. In this regard, the learned Government Advocate (HR & CE) submitted that the 17th respondent will take necessary steps to recover the temple lands.

7. Heard, the learned counsel for the petitioner, the learned Government counsel appearing for the respondents and perused the



materials available on record.

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8. Considering the fact that as per letter dated 01.08.2024 issued by the 14th respondent, it is confirmed that the temple lands in respect of the survey numbers as stated supra have been encroached by the individual persons. Therefore, this Court directs the 17th respondent/Assistant Commissioner, HR & CE, Salem to implement the letter issued by the 14th respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of with the above directions.

There shall be no order as to costs.

12.09.2024

Index : Yes/No

Internet : Yes/No

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To

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