



WEB COPY



WP.No.30020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.30020 of 2023
and W.M.P.Nos.29640 & 29643 of 2023

Arulmigu Thirumoolanatha Swamy Thirukoil
Puzhal, Chennai – 600 051
Represented by its Executive Officer
having Office at
A/m Thirumoolanathar Thirukoil
Puzhal, Chennai – 600 051

.. Petitioner

Versus

1.The District Collector
Chennai District
Singaravelan Maligai
Rajaji Salai, Chennai – 1

2. The District Revenue Officer
Chennai District
O/o. District Collectorate Office, Chennai
Singaravelan Maligai
Rajaji Salai, Chennai – 1

3. The Revenue Divisional Officer
Chennai North
No.472, Thiruvottriyur High Road
Tondiarpet, Chennai – 81

4.The Tahsildar
Madhavaram Taluk
Taluk Office
Gandhi Main Road
Balaji Nagar, Madhavaram
Chennai – 600 060



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5.The Inspector of Police

(Law and Order)

M-3, Puzhal Police Station

New Central Jail, Puzhal

Chennai – 600 066

(R5 deleted as per Order dated 17.10.2023

in W.P.No.30020 of 2023 by PVJ)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to restore the compound walls illegally demolished by the 4th respondent upon the temple owned lands bearing S.No.2701/, Puzhal Village and consequently forbear the 4th respondent from unlawfully interfering with the possession and enjoyment of the petitioner pertaining to the lands in S.No.270/1, Puzhal Village without due process of law.

For Petitioner : Mr.S.Vijayaganesh

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed for a direction to the 1st respondent to restore the compound walls illegally demolished by the 4th respondent upon the temple owned lands bearing S.No.2701/, Puzhal Village and consequently forbear the 4th respondent from unlawfully interfering with the possession and enjoyment of the petitioner pertaining to the lands in S.No.270/1, Puzhal Village without due process of law.



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2. It is the case of the writ petitioner that the petitioner-temple is the absolute owner of the land in S.No.270/1, Puzhal Village, Madhavaram by virtue of title deeds of the year 1911 and the order of the Settlement Tahsildar order dated 23.09.1971. The petitioner-temple in order to prevent land grabbers from encroachment constructed a compound wall in S.No.270/1, Puzhal Village, Madhavaram during the month of August 2023. However, all of a sudden, the fourth respondent on 25.08.2023 demolished the compound wall and erected a notice board alleging that the land belongs to the Government. Hence, this writ petition is filed for restoring the compound wall.

3. Counter has been filed by the 4th respondent. It is the contention of the 4th respondent that due to the passage of time, temple land was encroached by many individuals and thereafter, the HR & CE Department assumed charges to the said temple. A property register is created to the said temple under Section 29 of the Hindu Religious and Charitable Endowments Act, 1959. According to them, in the A-register, only property alone in S.No.270/2 belong to the temple and not 270/1. As per the records, in Survey No.270/1 to an extent of 0.52.50 cents is shown as Government Punjai land.

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



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5. By consent of both parties, this writ petition is taken up for final disposal.

6. The specific allegations that the compound wall being put up by the temple in order to prevent encroachment is not even denied in the counter. When the facts not even denied goes without saying the facts pleaded is deemed to be admission.

7. Such view of the matter, there shall be a direction to the 4th respondent to restore the compound wall within a period of two months from the date of receipt of a copy of this Order. In the event, still the Government wants to retrieve the land proper enquiry should be conducted and due process of law has to be followed. Without following the due process of law, the fourth respondent cannot take law in their hand with the help of police officers.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,
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N. SATHISH KUMAR, J.

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