



W.P.No.31091 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31091 of 2024

Arulmigu Samayapuram Mariamman Thirukoyil Trust,
Rep. by its President M.Perumal,
M.G.R. Nagar, Vinayagapuram, Narasingapuram Village,
Attur, Salem District.

...Petitioner

Vs.

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George, Chennai – 600 0009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam Chennai – 35.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Opp. Collector Bungalow, Salem – 8.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 29.06.2024 pursuant to the order of this Hon'ble court dated 18.06.2024 in W.P.No.24271 of 2022 by allotting Plot



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Nos.H25 and H26 in S.No.119/5, Narasingapuram Village, Attur, Salem District to the petitioner trust by fixing market value and till such time direct the respondents 2 & 3 not to demolish the temples situated in the above plots.

For Petitioner : Mr.P.Rajavelayutham

For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1
: Mr.D.Veerasekaran, for R2 & R3

ORDER

The petitioner has filed this Writ petition seeking direction to the 1st respondent to consider the petitioner's representation dated 29.06.2024, seeking to allot Plot Nos.H25 and H26 in S.No.119/5, Narasingapuram Village, Attur, Salem District to the petitioner trust by fixing market value and till such time, direct the respondents 2 and 3 not to demolish the temples situated in the above plots.

2. Mr.LSM. Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the 1st respondent, Mr.D.Veerasekaran, learned counsel takes notice on behalf of the 2nd and 3rd respondents. 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.



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3. The case of the petitioner is that the petitioner trust is doing daily poojas to the Arulmigu Mariamman Temple located in S.No.119/7 at Narasingapuram Village, Attur, Salem and the site where the said temple is located was gifted by one Venkatachalam and Poongavanam under a registered gift settlement deed dated 23.07.2002 bearing Doc.No.2104 of 2002. The adjacent land in S.No.119/5 in which small temples such as Vinaga, Murugan, Kathavarayan and Durga are located, was acquired by the Government in the year 1985 and the same was handed over to the Tamil Nadu Housing Board, which in turn developed the said land. Since, the Housing Board did not allot the said land in which the said small temples were situated, the petitioner made several applications and representations before the respondents seeking allotment of the plots bearing Nos.H25 & H26 to the Mariamman Kovil Trust, which evoked no response. In such circumstances, the 3rd respondent, without issuing any notice decided to demolish the said temples situated in S.No.119/5. Thereby, the petitioner made a representation dated 29.06.2024 before the 1st respondent seeking to allot the above said Plot Nos.H25 & H26 in S.No.119/5, Narasingapuram Village, Attur, Salem in favour of the petitioner trust by fixing market value, which evoked no response. Hence, this Writ petition.



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4. 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 1st respondent to consider the petitioner's representation dated 29.06.2024 and consequently allot Plot Nos.H25 & H26 in S.No.119/5, Narasingapuram Village, Attur, Salem District in favour of the petitioner trust by fixing market value as expeditiously as possible.

5. Learned counsel appearing on behalf of the respondents submitted that, appropriate orders will be passed on the petitioner's representation dated 29.06.2024 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 29.06.2024 on merits and in accordance with law and pass appropriate orders within a period of two (2) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any and till such time, the 2nd and 3rd respondents shall not to demolish the temples situated in the above said plot bearing Nos.H25 & H26.



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

18.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Principal Secretary to Government,
Housing and Urban Development Department,
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2. The Managing Director,
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