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W.P.No.35808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35808 of 2024

N.Karunanidhi

... Petitioner

Vs.

1.The Commissioner
Hindu Religious And Charitable Endowment
Department No 119, Utthamar Gandhi Salai,
Nungampakkam Chennai 600 034

2.The Assistant Commissioner
Hindu Religious And Charitable
Endowment Department,
Villupuram District

3.The Inspector
Hindu Religious And Charitable
Endowment Department,
Sangarapuram

4.The Thasildar
Sankarapurma Taluk
Kallakurichi District.

5.Sengunthar Magajana Sangam
Represented By Its President
Devapandalam Village
Sakrapuram Taluk
Kallakurichi District

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 4 to take necessary to retrieve the temple land comprised in old Survey No. 106/1 new survey No 106/9 in patta No. 913 total to an extent of 60 cents stands in the name of Arulmigu Parthasarathy temple and pursuant to the proceedings order in Na.Ka.No.70/2023 / A1 / 2023 dated 05.06.2023 by the 3rd respondent and further direction to 4th respondent time may be fixing for said order passed by the 3rd respondent.

For Petitioner : M/s.T.Balachandran

For Respondents : M/s.K.Karthikeyan,
Govt. Advocate (HR & CE)
for R.1 to R4

ORDER

The petitioner seeks the following reliefs:-

" directing the respondents 4 to take necessary steps to retrieve the temple land comprised in old Survey No. 106/1 new survey No 106/9 in patta No.913 total to an extent of 60 cents stands in the name of Arulmigu Parthasarathy temple and pursuant to the proceedings order in Na.Ka.No.70/2023 / A1 / 2023 dated 05.06.2023 by the 3rd respondent



and further direction to 4th respondent time may be fixing for said order passed by the 3rd respondent."

2. It is the case of the petitioner that in his village there is an old temple of historic value called the Arulmigu Parthasarathi Temple which is under the control of the HR and CE Department. This temple owns a large extent of lands. One such property is the property comprised in old S.No.106/1, New S.No.106/9 measuring an extent of 0.60 cents in patta no.913.

3. The 5th respondent had encroached into a portion of the property and constructed a building in the name and style of "*Sengunthar Mahajana Sangam Mandapam*" in that portion of the property and had not allowed the devotees to enter the said Mandapam. The revenue records would clearly show that the property belongs to the temple. The petitioner would submit that now the patta has been illegally transferred in the name of the 5th respondent without proving their right to the property. The petitioner and other devotees have been making representations to respondents 1 to 4 to cancel the patta issued to the 5th respondent and to retrieve the lands.



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Since there was no response to the various representations, a Writ Petition was filed in W.P.No.32852 of 2022 which came to be disposed of on 08.12.2022 on the submission of the learned Special Government Pleader that the Endowment Department was taking steps to cancel the patta, if any issued in favour of the 5th respondent for the temple land in question. Pursuant to this order, the 3rd respondent had passed an order on 05.06.2023, directing the 4th respondent to cancel the patta issued to the 5th respondent and restore the patta in the name of the temple. Despite this direction, the 4th respondent has not taken any steps to cancel the patta to date. Thus, aggrieved, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Considering the facts and circumstances of the case and also considering the fact that the order passed by the 3rd respondent dated 05.06.2023 directing the 4th respondent to cancel the patta issued in favour of the 5th respondent has not been complied with, to date, the Writ Petition is allowed. A mandamus is issued to the 4th respondent to take necessary steps to retrieve the temple land comprised in Old Survey No.106/1, New



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survey No.106/9 in Patta No.913, measuring an extent of 60 cents standing in the name of Arulmigu Parthasarathy Temple, after considering the order passed by the 3rd respondent dated 05.06.2023. The 4th respondent shall pass a speaking order after giving due notice to the petitioner, the 5th respondent and the HR and CE Department, within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

17.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Commissioner

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Nungampakkam Chennai 600 034

2.The Assistant Commissioner

Hindu Religious And Charitable
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P.T. ASHA. J.,

(shr)

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