



W.P.No.7956 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.7956 of 2025

V.CHANDRASEKAR

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
SALEM DISTRICT,
SALEM.
2. THE REVENUE DIVISIONAL OFFICE,
METTUR, SALEM DISTRICT.
3. THE TAHSILDAR
METTUR TALUK,
METTUR DAM, SALEM DISTRICT.
4. THE ASSISTANT COMMISISONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT,
SALEM - 1.
5. THE EXECUTIVE OFFICER (INCHARGE),
ARULMIGU MEENAKSHI SOKKANATHAR THIRUKOIL,
METTUR TOWN AND TALUK,
SALEM DISTRICT.
6. JAYAPAL
7. PALANISAMY
8. RAJENDRAN
9. POONKODI

... Respondents



W.P.No.7956 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal construction and illegal occupation made on the temple land in S.No. 15/23 at Thookanampatti Village, Mettur, Salem District by the respondents 6 to 9 and retain the same in its original position.

For Petitioner	: Mr.V.Elangovan
For R1 to R3	: Mr.R.Murthi Government Advocate
For R4 & R5	: Mr.K.Karthikeyan Government Advocate (HR & CE)

ORDER

This writ petition has been filed with a prayer to direct the respondents 1 to 5 to remove the illegal construction and illegal occupation made on the temple land in S.No. 15/23 at Thookanampatti Village, Mettur, Salem District by the respondents 6 to 9 and retain the same in its original position.

2. When the matter came up for admission, the learned Government Advocate appearing on behalf of the respondents 4 and 5 by referring to the proceedings of the Assistant Commissioner dated 21.06.2024 would submit that when an inspection and survey were sought to be conducted, the revenue



W.P.No.7956 of 2025

authorities refused to survey the land on the ground that the patta had not been issued in favour of the temple.

3. In view thereof, this writ petition is disposed of on the following terms:-

(i) The Executive Officer of the Temple, namely the fifth respondent, shall produce such documents claiming ownership for the temple before the third respondent.

(ii) The third respondent shall conduct an enquiry by duly issuing notice to the fifth respondent, the petitioner and also the respondents 6 to 9 with reference to the same and come to a conclusion as to whether the property belongs to the temple or whether it is a government poramboke land.

(iii) The third respondent shall also take into consideration the register maintained under Section 29 of the HR& CE Act, 1956 while concluding the same.

(iv) A survey shall be conducted and the encroachment shall be determined. If the property belongs to the temple after the survey, the fifth respondent will be



WEB COPY



W.P.No.7956 of 2025

entitled to take such proceedings under Section 68 and 69 of the Act as may be permissible in law. If the property belongs to the Government, it is for the third respondent to take a decision and proceed with the removal of the encroachment in the manner known to law, if the encroachment is found be objectionable.

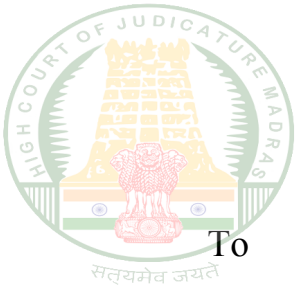
(v) Needless to state that none of the rights of the respondents 6 to 9 are decided in the writ petition. All their defenses are kept open to be raised before the authorities.

(vi) The said exercise shall be completed by the respondent authorities within a period of sixteen weeks from the date of receipt of the web copy of the order.

(vii) No costs.

06.03.2025

Neutral Citation: Yes/No
nsl



W.P.No.7956 of 2025

To

WEB COPY

1. THE DISTRICT COLLECTOR,
SALEM DISTRICT,
SALEM.
2. THE REVENUE DIVISIONAL OFFICE,
METTUR, SALEM DISTRICT.
3. THE TAHSILDAR
METTUR TALUK,
METTUR DAM, SALEM DISTRICT.
4. THE ASSISTANT COMMISISONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT,
SALEM - 1.
5. THE EXECUTIVE OFFICER (INCHARGE),
ARULMIGU MEENAKSHI SOKKANATHAR THIRUKOIL,
METTUR TOWN AND TALUK,
SALEM DISTRICT.



WEB COPY



W.P.No.7956 of 2025

D.BHARATHA CHAKRAVARTHY, J.

nsI

W.P.No.7956 of 2025

06.03.2025