



W.P.No.10090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 20.03.2025

CORAM:

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

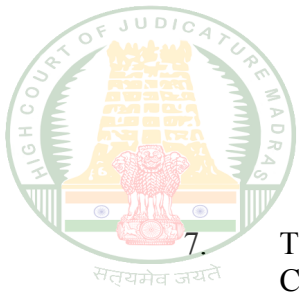
W.P.No.10090 of 2025

A.RADHAKRISHNAN

... Petitioner

Vs

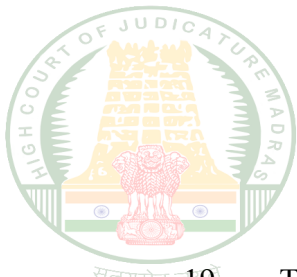
1. THE SECRETARY TO GOVERNMENT,
PUBLIC (A) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.
2. THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
3. THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
4. THE SECRETARY TO GOVERNMENT,
TOURISM CULTURE & ENDOWMENTS DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
5. THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
6. THE COMMISSIONER OF REVENUE ADMINISTRATION,
CHEPAUK,
CHENNAI - 600 005.



W.P.No.10090 of 2025

WEB COPY

7. THE COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI - 600 005.
8. THE DIRECTOR OF SURVEY & SETTLEMENTS
CHEPAUK, CHENNAI - 600 005.
9. THE INSPECTOR GENERAL OF REGISTRATIONS
100, SANTHOME HIGH ROAD, CHENNAI – 600 028.
10. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
119, NUNGAMBAKAM HIGH ROAD,
CHENNAI - 600 034.
11. THE COMMISSIONER OF MUNICIPALS ADMINISTRATION,
SANTHOME HIGH ROAD, CHENNAI – 600 028.
12. THE DIRECTOR GENERAL OF POLICE
AND HEAD OF THE POLICE FORCE,
KAMARAJAR SALAI,
CHENNAI – 600 004.
13. THE DISTRICT EXECUTIVE MAGISTRATE/DISTRICT COLLECTOR,
SALEM - 636 001.
14. THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
REVENUE DIVISIONAL OFFICE,
METTUR,
SALEM DISTRICT.
15. THE TALUK EXECUTIVE AND MAGISTRATE/TAHSILDAR
OMALUR, SALEM DISTRICT
16. THE SPECIAL TAHSILDAR,
TEMPLE LANDS,
NETHIMEDU,
SALEM- 636 002.
17. THE SUPERINTENDENT OF POLICE,
NETHIMEDU,
SALEM - 636 002.
18. THE INSPECTOR OF POLICE,
DISTRICT SPECIAL BRANCH,
NETHIMEDU, SALEM 636 002.



W.P.No.10090 of 2025

WEB COPY

19. THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
NETHIMEDU, SALEM 636 002.
20. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
NETHIMEDU, SALEM 636 002.
21. THE MUNICIPAL COMMISSIONER
THARAMANGALAM, SALEM DISTRICT.
22. THE CHAIRMAN BOARD OF TRUSTEES/ FIT PERSON,
ARULMIGU KAILASANATHAR TEMPLE,
THARAMANGALAM, SALEM DISTRICT
23. THE EXECUTIVE OFFICER,
ARULMIGU KAILASANATHAR TEMPLE,
THARAMANGALAM, SALEM DISTRICT.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, issue direction directing the respondents to conduct joint inspections and meetings to rectify the anomaly pointed out in the petitioner representation and secure and safeguard the administrations and properties of 23rd respondent temple by considering the petitioner representation dated 29.11.2024.

For Petitioner : Mr.A.Radhakrishnan P-IN-P

For R1 to R3, R5 to
R9, R11 & R13 to R16: Dr.S.Suriya
Additional Government Pleader

For R10, R19,
R20, R22 & R23 : Mr.S.Ravichandran
Additional Government Pleader

For R12, R17,
& R18 : Dr.C.E.Pratap
Government Advocate (Crl.Side)



W.P.No.10090 of 2025

WEB COPY

ORDER

The prayer in the writ petition is for a mandamus directing the respondents to conduct joint inspections and meetings to rectify the anomalies pointed out in the petitioner's representation and to secure and safeguard the administration and properties of the 23rd respondent temple by considering the petitioner's representation dated 29.11.2024.

2. Upon hearing the party in person, who is arguing the matter and perusing the representation, the prayer of the petitioner in the said representation is twofold. Firstly, the petitioner is aggrieved by the fact that the patta in respect of the temple pond has not been changed to the name of the temple. With reference thereto, the said prayer cannot be countenanced, as the matter has since been decided by the Hon'ble Division Bench of this Court in *W.P.No.26007 of 2024 (A.Vijaykumar vs. The District Collector and Another)* and in paragraph No. 16, it has been held that by virtue of the provisions contained under the Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948 and the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inam

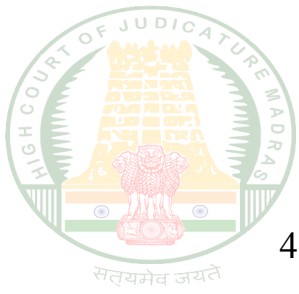


W.P.No.10090 of 2025

(Abolition and Conversion into Ryotwari) Act, 1963, every tank will vest in

the Government. However, it was also held that such vesting is based on the public trust doctrine and it is not as if the Government is the absolute owner. Therefore, a duty is cast upon the Government as well as the temple authorities to maintain the pond in its pristine condition. Therefore, this leads to the other grievances. The other grievances of the petitioner are in reference to the maintenance of the said *Theppakulam* (தெப்பக்குளம்) as well as the encroachments and other issues.

3. The learned Additional Government Pleader taking notice on behalf of the respondents 10, 19, 20, 22 and 23 and placing reliance on his written instructions dated 20.03.2025, would submit that the Heritage Committee has already inspected the subject matter, *Kulam* (குளம்) on 18.03.2025. Upon receipt of the Heritage Committee's report, immediate steps will be taken to carry out the necessary works for the maintenance of *Kulam* (குளம்) and the strengthening of the tank, bunds etc. It is also stated that the issue of encroachments such as auto stands, will be addressed by taking appropriate action as per the law.



W.P.No.10090 of 2025

4. Recording the same and further directing the respondents to take

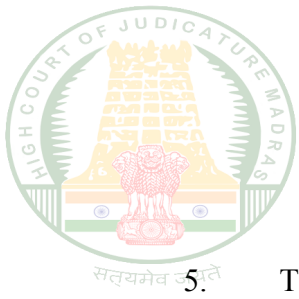
such steps as may be necessary and in accordance with the law to properly maintain the temple tank, including the inlet, outlet, etc., in a scientific and proper manner, as per the Heritage Committee's recommendations, this writ petition stands disposed of. The respondents shall take the necessary actions within a period of three months from the date of receipt of the Heritage Committee's report. No costs.

20.03.2025

Neutral Citation: Yes/No
nsl

To

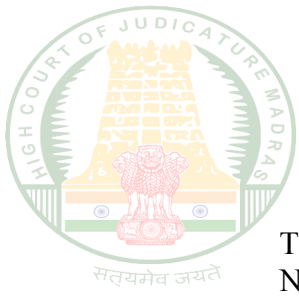
1. THE SECRETARY TO GOVERNMENT,
PUBLIC (A) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.
2. THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
3. THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
4. THE SECRETARY TO GOVERNMENT,
TOURISM CULTURE & ENDOWMENTS DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.



W.P.No.10090 of 2025

WEB COPY

5. THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009.
6. THE COMMISSIONER OF REVENUE ADMINISTRATION,
CHEPAUK,
CHENNAI - 600 005.
7. THE COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI - 600 005.
8. THE DIRECTOR OF SURVEY & SETTLEMENTS
CHEPAUK, CHENNAI - 600 005.
9. THE INSPECTOR GENERAL OF REGISTRATIONS
100, SANTHOME HIGH ROAD, CHENNAI – 600 028.
10. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
119, NUNGAMBAKAM HIGH ROAD,
CHENNAI - 600 034.
11. THE COMMISSIONER OF MUNICIPALS ADMINISTRATION,
SANTHOME HIGH ROAD, CHENNAI – 600 028.
12. THE DIRECTOR GENERAL OF POLICE
AND HEAD OF THE POLICE FORCE,
KAMARAJAR SALAI,
CHENNAI – 600 004.
13. THE DISTRICT EXECUTIVE MAGISTRATE/DISTRICT COLLECTOR,
SALEM - 636 001.
14. THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
REVENUE DIVISIONAL OFFICE,
METTUR,
SALEM DISTRICT.
15. THE TALUK EXECUTIVE AND MAGISTRATE/TAHSILDAR
OMALUR, SALEM DISTRICT
16. THE SPECIAL TAHSILDAR,



W.P.No.10090 of 2025

WEB COPY

TEMPLE LANDS,
NETHIMEDU,
SALEM- 636 002.

17. THE SUPERINTENDENT OF POLICE,
NETHIMEDU,
SALEM - 636 002.
18. THE INSPECTOR OF POLICE,
DISTRICT SPECIAL BRANCH,
NETHIMEDU, SALEM 636 002.
19. THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
NETHIMEDU, SALEM 636 002.
20. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
NETHIMEDU, SALEM 636 002.
21. THE MUNICIPAL COMMISSIONER
THARAMANGALAM, SALEM DISTRICT.
22. THE CHAIRMAN BOARD OF TRUSTEES/ FIT PERSON,
ARULMIGU KAILASANATHAR TEMPLE,
THARAMANGALAM, SALEM DISTRICT
23. THE EXECUTIVE OFFICER,
ARULMIGU KAILASANATHAR TEMPLE,
THARAMANGALAM, SALEM DISTRICT.



WEB COPY



W.P.No.10090 of 2025

D.BHARATHA CHAKRAVARTHY, J.

ns1

W.P.No.10090 of 2025

20.03.2025