IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15350 of 2025
and W.M.P.No.17350 of 2025

1.T.A.Rajagopalan
S/o.T.A.Srinivasanarasimhachariar,
Trustee, Sri Anandalwar Sametha Sri Srinivasaperumal Koil,
71a/10, Anaikatti Theru,
Little Kanchipuram-631 501.

2.T.A.Bhashyam
S/o.T.A.Srinivasan, Trustee, Panditananthachariarcharity Flat-228, Block-2, Sidharthnatura Apartments, 40 Vadakkupattu Main Road, Medavakkam Chennai-600 100. .. **Petitioners**

Vs.

1. The Commissioner
HR & CE Nungambakkam, Chennai-600 034.

2. The Joint Commissioner
HR & CE Kanchipuram.

3. The Assistant Commissioner
HR & CE District Collectorate Office, Kanchipuram-631 501.

4. The Inspector

HR & CE Kanchipuram.

5. The Executive Officer
Sri Ulagalantha Perumal Koil, Kanchipuram.

6. The Special Revenue Officer (Land Acquisition)
Chennai Airpor Texpansion Scheme, Sriperambudur.

7. The Special District Revenue Officer, (Land Acquisition)
Chennai Airport Expansion Scheme, Office Of Tahsildar, Chennai.

8. The Special Tahsildar
(Land Acquisition) Chennai Airport Expansion Scheme,
Sriperumbudur, Kancheepuram District. .. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent relating to the notice Na.Ka. No.4629/ 2010 / A3 dated 29.01.2025, served on the petitioner on 18.02.2025 quash the same and direct respondents 6 to 8 to issue notice to the petitioners for all proceedings including the alleged acquisition proceedings relating to lands of an extent of 2050 sq.mts. in S.No.59/5, 900 sq.mts. in S.No.69/5 and 2000 sq.mts in S.No.56/3 in Mahadevi Mangalam, Sriperumbudur Taluk Kancheepuram District and pass such further or other order.

For the Petitioners : Ms.Hema Sampath
Senior Counsel
for Ms.R.Meenal

For the Respondents : Mr.Ravichandran
Additional Government Pleader
for RR1 to 5

ORDER

This Writ Petition is filed, calling for the records relating to the notice dated 29.01.2025 served on the petitioner on 18.02.2025, whereby the petitioners were directed to handover the possession and the affairs of Sri Anandalwar Sametha Sri Srinivasaperumal Koil at Vadakku Mada Veedhi, Chinna Kanchipuram, to the fit person.

2. Upon hearing the learned Senior Counsel appearing on behalf of petitioners and perusing the material records of the case, the petitioners are the trustees of Sri Anandalwar Sametha Sri Srinivasaperumal Koil and Pandit Ananthachariar Charity. There seems to be two distinct things, one is that the Anandalwar temple which is situated in kanchipuram town and taluk. The second one is that the lands that are dedicated for the purposes of the said temple. It now transpires that the lands that are dedicated as an endowment to the said temple for the purpose of doing the *kaingariyam* in respect of the said temple are located in the lands which are now identified for the establishment of

the new airport for the city of Chennai. Therefore, apprehending that the existing trustees or the private trust will take away the entire compensation amount, now the impugned order appoints a fit person by an order dated 29.01.2025 and directs the petitioners to handover the charge.

3. The learned Senior Counsel appearing on behalf of the petitioners would submit that firstly the temple itself was so far not under the direct control of the HR & CE Department and it is the case of the petitioners that the temple is a private temple. Secondly, even assuming that it is a public temple, if the lands are dedicated to the temple and when the petitioners are functioning as the trustees and already there is a bank account in favour of the temple, then the entire land acquisition compensation should come only to the temple's account and it is to be used only for the affairs of the temple. A fit person is appointed now by the respondent State authorities, he will not even claim enhanced compensation and fight for the rights of the temple and therefore at this juncture the affairs of the temple shall not be taken away from that of the trustees.

4. *Per contra,* the learned Additional Government Pleader would submit that the entire appointment itself is for the temporary purpose. There is no misconduct that is alleged against the trustees / petitioners, but in view of the impending land acquisition proceedings the fit person is appointed.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. As far as the Sri Anandalwar Sametha Sri Srinivasaperumal Koil is concerned even in the Will that is produced along with the Writ Petition dated 20.11.1943, it is mentioned that the deponent namely S.G.Ananthachariar has dedicating the lands mentioned therein, by way of an endowment. Therefore there is no conclusive material before this court to determine that the temple is a private temple. If the petitioners claim that the said temple is not a public temple and it is their own private shrine, unless they get such a declaration from the Commissioner, HR & CE Department, under Section 63 of the Hindu Religious Charitable and Endowments Act, 1959 or they obtain a Civil Court decree of

declaration to that effect, this Court cannot accept the said contention made on behalf of the petitioners.

7. As far as the appointment of fit person is concerned, it can further be seen that the only apprehension that is expressed is with reference to the land acquisition. The apprehension expressed by both sides seems to be appropriate for this Court. The respondent authorities can apprehend that when the entire endowment of lands are all located within the new airport project, which is going to be acquired, then with reference to the compensation amount that is to be paid, there must be check and balance and therefore the authorities want the appointment of a fit person. At the same time, when the land acquisition proceedings are done, the endowment is for the temple, then any compensation should come to the temple and the trustees will be all the more interested in getting more compensation and they will only fight for enhancement of compensation.

8. Under the said circumstances this Writ Petition is disposed of on the

following terms:

(i) The petitioners will be entitled to either approach the Commissioner, HR & CE Department, under Section 63 of the Act or approach the Civil Court to declare that the temple is a private temple;

(ii) If the temple is declared to be a private temple, then if the compensation, if any comes by way of an endowment to the said private temple belonging to the petitioners, then they will be entitled to dispose of the same, as per their wish;

(iii) If the temple is public temple, then the petitioners as trustees are entitled to take part in the land acquisition proceedings, claim enhanced compensation and also file any appeal or revision or such proceedings in the manner known to law. However when it comes to the appropriation of compensation alone, the same shall not be done without the notice to the jurisdictional Assistant Commissioner, HR & CE Department and should be credited to the temple's bank account as directed by the authorities;

(iv) In the meantime, the petitioners shall continue to be in charge of the affairs of the temple in all respects, and the charge need not be handed over to the fit person who is to be appointed.

(v) Depending on the outcome of the petition for declaration that the petitioners intend to file under Section 63 of the Act or the suit, further orders can be passed with reference to appointment of trustees or appointment of a fit person as the case may be;

(vi) The petitioners want to claim that the temple itself is a private temple, then they can take any one of the two steps as afore mentioned, within a period of 4 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy;

(vii) No costs. Consequently, the associated miscellaneous petition is closed.

28.04.2025

Neutral Citation : Yes/No

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To

1. The Commissioner
HR & CE Nungambakkam, Chennai-600 034.

2. The Joint Commissioner
HR & CE Kanchipuram.

3. The Assistant Commissioner
HR & CE District Collectorate Office, Kanchipuram-631 501.

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(Land Acquisition) Chennai Airport Expansion Scheme,
Sriperumbudur, Kancheepuram District.

D.BHARATHA CHAKRAVARTHY, J.

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