



W.P. No.7065 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.7065 of 2014

and

M.P. No.1 of 2014

A.M.Ramachandran

...Petitioner(s)

vs.

1.State of Tamil Nadu represented by
its Secretary to Government,
Hindu Religious & Charitable Endowment Department,
Fort St.George, Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

3.Deputy Commissioner,
Hindu Religious and Charitable Endowments,
Salem.

4.Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem.

5.A.Shanmugasundaram

6.S.Saravanan

7.A.S.Ganesan

...Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



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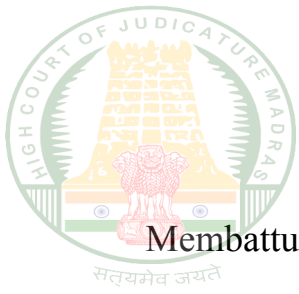
praying to issue a Writ of Mandamus directing the 3rd respondent herein to take immediate action against respondents 5 to 7 on the basis of the petitioner's representation dated 29.10.2013 and also in due compliance of the proceedings of 2nd respondent dated 22.11.2013 after getting a detailed report from the 4th respondent in the matter of appointment of respondents 5 to 7 as Hereditary Trustees of “Arulmigu 1008 Ling Kailaya Sivalayam and Akshaya Aiswarrya Perumal Temple, Ariyagoundapalayam, Salem Taluk, Salem District”.

For Petitioner(s)	: Mr.K.Rajasekaran
For Respondent(s) 1	: Ms.S.Anitha Special Government Pleader
For R2 to R4	: Mr.N.R.R.Arun Natarajan Special Government Pleader (HR&CE)
For R5	: Steps due to bring Lrs on record
For R6 & 7	: Mr.Vishnu Mohan

ORDER

The present writ petition is filed praying for a writ of Mandamus to direct the 3rd respondent herein to take immediate action against respondents 5 to 7 on the basis of the petitioner's representation dated 29.10.2013 and also in due compliance of the proceedings of 2nd respondent dated 22.11.2013 after getting a detailed report from the 4th respondent in the matter of appointment of respondents 5 to 7 as Hereditary Trustees of “Arulmigu 1008 Ling Kailaya Sivalayam and Akshaya Aiswarrya Perumal Temple, Ariyagoundapalayam, Salem Taluk, Salem District.

2. The petitioner is the President of Makkal Nalvalvu and Sutru chulal



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Membattu Seva Iyakkam (hereinafter referred to as “the Iyakkam”), the main objective of the Iyakkam is to provide basic facilities to people like drinking water, drainage, street light, proper road and housing facilities etc. It is the case of the petitioner that Government lands belonging to the Revenue Department, measuring an extent of 30.45 acres, comprised in Survey No.51/1, situated at Ariyagoundanpalayam, Salem Taluk, Salem District were encroached by one A.Shanmugasundaram, who is arrayed as 5th respondent in this writ petition.

3. It is submitted by the learned counsel for petitioner that the 5th respondent owns Educational Institutions in the adjacent areas, the market value of which is stated to be more than Rs.100 Crores. It is further submitted that the Forest Department has planted 9000 trees in these lands after spending huge sum. While so, the 5th respondent has constructed a Temple in the name of “Arulmigu 1008 Linga Kailaya Sivalayam and Akshaya Aiswarya Perumal Temple” by removing the trees planted in the said lands. In addition to the above, the 5th respondent is stated to have encroached the entire area and put up check post at the entry level. In fact, he submitted that the 5th respondent has illegally occupied the Government lands and constructed a Temple therein. That being so, 5th respondent and his sons S.Saravanan and A.S.Ganesan, arrayed as 6th and 7th respondent in this writ petition have approached the Joint Commissioner,



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HR&CE Department, Salem, requesting to recognise them as Hereditary Trustees of the aforesaid Temple.

4. Pursuant thereto, the Joint Commissioner, HR&CE Department appointed respondents 5 to 7 as Hereditary Trustees of the Temple, which the learned counsel for petitioner states is illegal. Under the circumstances, petitioner submitted a representation before respondents 1 and 2, on 29.10.2013 requesting them to conduct an enquiry with respondents 5 to 7 regarding their illegal occupation and construction of Temple in the Government lands. Thereafter, the 2nd respondent forwarded a communication to the 3rd respondent on 22.11.2013 by enclosing a copy of the petitioner's representation, which was also served on the petitioner. In this regard, 3rd respondent had directed the 4th respondent to file a detailed report regarding the appointment of Hereditary trustees in “Arulmigu 1008 Linga Kailaya Sivalayam and Akshaya Aiswarya Perumal Temple, Ariyagoundampalayam, Salem Taluk, Salem District. However, there is no further progress in the matter. Hence, the petitioner has approached this Court by way of this writ petition .

5. Learned counsel for respondent 1 would submit that the land comprised



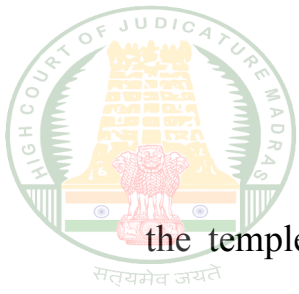
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in Survey No.51/1 is classified as “Kallankuthu (Karadu) Poramboke land”

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measuring an extent of 12.18 hectares, which is adjacent to the 5th respondent's Educational Institution. He would submit that 5th respondent has encroached an extent of 10.53 hectares by way of installing 1008 Sivalinga and further constructed a Temple including Annadhana Koodam and requested for lease. Further, the 5th respondent had also forwarded a lease proposal to the Deputy Commissioner, Salem in the year 2009, which is pending with the Commissioner of Land Administration. In the meanwhile, the Temple was taken over by the HR&CE Department and thereafter respondent 5 to 7 made an application before the official respondents for recognising them as Hereditary Trustees. Aggrieved by the same, one Gurulaxmanan filed a writ petition before this Court in W.P.No.9903 of 2006 against the 5th respondent, which came to be dismissed vide order dated 23.12.2009. Thereafter, the said Gurulaxmanan filed three other writ petitions in W.P.Nos.23246 of 2006, 5494 of 2008 and 1273 of 2009 against the 5th respondent, which were also dismissed by this Court.

6. Learned Special Government Pleader appearing for HR&CE Department would submit that admittedly the entire land in which 1008 Sivalingas and a Temple are constructed, belongs to the Government and is classified as “Kallankuthu Poramboke Land”. He would further submit that all



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the temple and other constructions were taken over by the Government after obtaining appropriate permission. HR&CE Department had recognised respondents 5 to 7 as Hereditary Trustees, while so, during the pendency of the writ petition, the 5th respondent died (however, no proof was filed before this Court) after which the Temple was taken over by the HR&CE Department.

7. Learned counsel for petitioner would submit that the facts in the present writ petition are not in dispute and requests that appropriate steps be taken to take over the land belonging to the Government, in which 5th respondent has constructed Temple.

8. Heard both sides and perused the entire materials placed on record.

9. This Court finds that the issue arising for consideration in the present writ petition is that the Government land comprised Survey No.51/1, situated at Ariyagoundanpalayam, Salem Taluk, Salem District, was encroached by the 5th respondent. A perusal of the counter filed by the 1st respondent, reveals that respondents 5 to 7 have approached the Government for grant of lease, however, till now Government has not granted lease in respect of the land. It is also seen that 5th respondent apart from constructing Temple has also constructed



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Annadhana Koodam and Guest House. However, the Temple and all the other connected activities are stated to have been taken over by the HR&CE Department. As HR&CE Department has taken over the land and the same is under their control, they shall take appropriate steps to mutate the revenue records by obtaining assignment of lands in their favour and thereafter appoint Hereditary Trustees in respect of the Temple, in accordance with law, as the act of recognising respondents 5 to 7 as Hereditary Trustees is not permissible inasmuch as they have encroached the Government Land. The entire exercise shall be carried out within a period of 12 weeks from the date of receipt of a copy of this order.

10. The Writ Petition stands disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

08.10.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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M.DHANDAPANI, J.



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To:

- 1.The Secretary to Government,
Hindu Religious & Charitable Endowment Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
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