



Writ Petition No.6229 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.06.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.6229 of 2016
and
W.M.P.Nos.5564, 5565 & 5566 of 2016

G.Siva Kumar
S/o.Late P.Ganapathy

2.K.Sathyaprakash,
S/o.Late.R.Kailasam

Petitioners

Vs

1. The State of Tamil Nadu
represented by the Secretary to the Govt.,
Dept. of Revenue, Fort St. George, Chennai-
600 009.

2.The District Collector,
Coimbatore District,
Coimbatore-18.

3.The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.

4.The Commissioner,
HR and CE Administration Department,
Uthamar Gandhi Road, Chennai-600 034.



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5.The Executive Officer,
A/m.Kariyakaliamman Temple,
Kinathukadavu, Pollachi Taluk,
Coimbatore District.

6.The Executive Engineer,
Public Works Department,
Buildings and Maintenance,
Coimbatore.

7.The Tahsildar,
Kinathukadavu Taluk,
Coimbatore District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in Na.Ka.No.21018/2011/AA dated 04.05.2013 passed by the second respondent, quash the same, and consequently direct the respondents to adhere to the mandate of section 34 of Hindu Charitable and Endowment Act, 1959 in respect of temple properties measuring an extent of 2.76.5 Hec., out of 6.81.5 Hec., in S.No.40, Kinathukadavu Village, Coimbatore District.

For Petitioners : Ms.M.N.Sumathy

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
[R1 to R3]
Mr.N.R.R.Arun Natarajan
Special Government Pleader [R4]

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 04.05.2013 and for a consequential direction



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to the respondents to adhere to the mandate under Section 34 of the Hindu Religious and Charitable Endowment Act in respect of the subject property, which belongs to the Kariyakaliamman temple.

2. Heard Ms.M.N.Sumathy, learned counsel for petitioners, Mr.E.Vijay Anand, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for fourth respondent.

3. The main grievance expressed by the petitioners is that the subject property belongs to the temple, whereas steps are being taken to construct a Taluk Office without even getting permission of the Collector under Section 34 of the Hindu Religious and Charitable Endowment Act. During the pendency of the writ petition, a counter affidavit came to be filed by the third respondent. The relevant portions are extracted hereunder:

“6. I respectfully submit that the said property does not belong to any Trust. It is a property of under the control of Government of Tamil Nadu. Hence under sec.34 of the HR & CE Act, 1959 the procedure for fixing land value of the land was under processes. In the meanwhile the petitioner file a writ petition No.6229 of 2016 in this Hon'ble Court prayed that this Hon'ble Court may be pleased to issue writ, order, or direction



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specifically writ in the nature of writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in Na.Ka.No.2108/2011/A4 dated 4.05.2013 passed by the 2nd respondent, quash the same and the respondents to adhere to the mandate under Sec.34 of Hindu Charitable and Endowment Act 1959 in respect of Temple Properties measuring an extent of 2.76.5 hectare out of 6.81.5 hectare in S.No.4, Kinathukadavu Village, Coimbatore District.

7. I respectfully submit that, as per the Government policy, the Pollachi Taluk bifurcated in to Two Taluk, one is Pollachi Taluk and another one is Kinathukadavu Taluk and accordingly G.O.(MS) 406 dated 21.11.2002 was issued by the Government of Tamilnadu. It is submitted that in order act upon the above G.O. the District Collector approached the Commissioner, HR & CE, Administrative Department, Chennai for construction of Kinathukadavu Taluk office and request to transfer the land in S.F.No.40 of A/M Kariakaliamman Temple land an extent of 2.76.5 hectare out of 6.81.5 hectare on payment of land value cost, and the same was agreed subject to the condition that land value to be at the rate 150% value and remitted to HR & CE Department. In order to speed up the construction of Tahsildar office, the District Collector issued order to center upon of permission to the 6th respondent in Na.Ka.No.2108/2011/B4 Dated 4.5.2013 and started the construction which is in progress and may likely to complete the construction within stipulated period of time. It is further submitted that the petitioner is no way connected with the above subject matter of land. The transfer of land is order between the District Collector and HR & CE Department, since the land and Temple situated therein are under the control of HR & CE Department and maintained by the Executive Officer.

8. I respectfully submit that in the meantime the 2nd respondent with references to the Sub-Registrar Kinathukadavu vide his Na.Ka.No.2/2018 dated 10.05.2018, GO.(MS) 200, Tourism, Culture and Religious Endowments ((RE4-2) Department dated 02.11.2018, District Revenue Officer vide Na.Ka.No.2108/2011/B4 dated 11.12.2018 and the Joint Commissioner, Coimbatore vide Na.Ka.No.10081/2018/A4 dated 20.12.2018 and 10.01.2019 have been examined in detail to fix the land value of 0.81.0 hectare which is required for the



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construction of newly created Taluk office at Kinathukadavu. The market value and the guideline value have been examined as per the procedure, the sale price of the land sold within radius of 1.6 Kms. from the Temple land has been taken into account, the price has been fixed per Hectare as Rs.37,06,500/ (Thirty Seven lakhs six thousand and five hundred only) even though the requirement of land for New Taluk Office is only 0.81.0 hectare is arrived at Rs.30,02,265/-. Since land is available in urban area and as per the GO (MS) No.200 Tourism, Culture and Religious Endowments (RE4-2) Department dated 2.11.2018 the land values of 225% based on the guideline value has been fixed as $(30,02,265 \times 225\%) = \text{Rs.}67,55,996/-$ vide in Na.Ka.No.65825/2014 (M.2 dated 11.2.2019 by the 2nd respondent and communicated to the District Collector, Coimbatore, the lands belongs to the Hindu Religious institutions under section 34 of Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 for the public purpose to Government Departments and if agree for the above payment, action will be taken and place before Government with recommendation under sec.34, HR & CE for obtaining order.

9. I respectfully submit that the conformation of the above payment has been communicated by the District Collector vide Ne.Mu Na.Ka.No.21018/2011/B4 dated 28.02.2018 to the 2nd respondent. The 2nd respondent initiated action with reference to the various correspondence and informed to the Additional Chief Secretary, Tourism, Culture and Religious Endowments Department vide Na.Ka.No.65825/2014/M2/dated 14.03.2019 and stated that permission has been granted to the Commissioner, Hindu Religious and Charitable Endowment Administration Department, Chennai that the land belong to the Kariakaliamman Koil in S.F.No.40 and extent of 0.81.0 hectare can be sold for construction of Taluk office under the guideline value of Rs.67,55,096/- (Rupees Sixty Seven lakhs fifty five thousand and ninety six only) for sale consideration under sec 34 of Hindu Religious and Charitable Endowments Act 22/1959.”

4. It is clear from the counter affidavit filed by the third respondent and also the materials placed before this Court that the total



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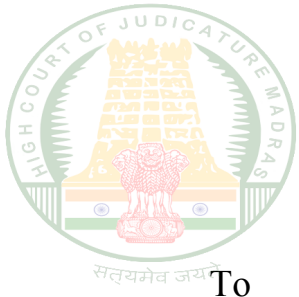
cost has already been finalised and the second respondent has issued proceedings dated 28.02.2018 by confirming the land value determined by the District Collector for the construction of the Taluk Office.

5. In the light of the above development and in view of the fact that the land is being put to public use by paying the cost of the land to the temple, there shall be a direction to the second respondent to grant necessary sanction for the conveyance of the property in favour of the revenue in order to enable the revenue to construct the Taluk Office.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
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