



W.P.No.34891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34891 of 2024

P.Govindaraj
S/o.Parthasarathy

...Petitioner

Vs

1. The Commissioner of Land Administration
Chepauk
Chennai-600 005.
2. The District Collector
Chengalpattu.
3. The District Revenue Officer
Chengalpattu.
4. The Revenue Divisional Officer
Tambaram,
Chengalpattu District.
5. The Tahsildar
Vandaloor
Chengalpattu District.

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6. Veerabathira Naidu
S/o.Chinnasami Naidu
7. V.Narasimha Naidu
S/o.Veerabathira Naidu
8. J.Jamuna
W/o.Janarthanan Naidu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment and restore the channel in its original position situated in S.F.No.355/1 (Old S.F.No.227/1) & 227/1 (Old S.F.No.227/1 part), 37, Pudupakkam Village, Vandaloor Taluk, Chengalpattu District by considering petitioner's representations dated 24.01.2014, 7.11.2015 and 17.10.2024.

For Petitioner : Mr.A.Yogaraj

For Respondents : Mr.T.K.Saravanan
Government Advocate, for R1 to R5
Mr.T.Saikrishnan, for R6



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ORDER

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[Order of the Court was made by **M.SUNDAR, J.,**]

When the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} was listed in the Admission Board i.e., Motion List on 20.11.2024, following proceedings was made:

'W.P. No.34891 of 2024

***M.SUNDAR, J.,
and
K.RAJASEKAR, J.,***

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed by a Trustee of a temple viz., 'Sri Arulmighu Akilandeswari Udanurai Sri Agastheeswarar Thirukoil, 37, Puthupakkam, Vandaloor Taluk, Chengalpet District - 603 103' (hereinafter 'said temple' for the sake of convenience and clarity).

2. Mr.R.Marudhachalamoorthy, learned counsel on record for writ petitioner is before us on VC (video conferencing) platform and learned counsel submits that subject matter of captioned WP is 'Old Survey No.227/1 in 37, Puthupakkam, Vandaloor Taluk, Chengalpet District' (hereinafter 'said land' for the sake of convenience and clarity). Learned counsel submits that the said land has been



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divided and post sub division, it is a waterbody (tha;f;fhy;). Learned counsel submits that there is alleged encroachment in the waterbody inter-alia by R6 to R8 (private respondents), this affects adjacent lands belonging to said temple is learned counsel's say.

3. For the present, issue notice to official respondents. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R5 and requests for a short accommodation to file status report. Request acceded to.

4. List one week hence in the Admission Board i.e, Motion List under the cause list caption 'NOTICE REGARDING ADMISSION'. Registry to show the name of State counsel in the next listing.

5. List on 27.11.2024.'

2. Pursuant to the aforementioned proceedings, Mr.T.K.Saravanan, learned Government Advocate for respondents 1 to 5 (official respondents) has filed a status report dated 27.01.2025 (to be noted, status report of R5) and a scanned reproduction of the same is as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P. No. 34891 of 2024

B.Govindaraj,
S/o. Parthasarathy,
Trustee Sri Arulingu Akilandeswari Udanorel
Sri Agastheeswarar Thirukoil,
37, Puthupakkam,
Vandaloor Taluk,
Chengalpattu District-603103

----- Petitioner

Versus-

- 1) The Commissioner of Land Administration,
Chennai, Chennai 600005
- 2) The District Collector Chengalpattu
Office of the District Collector,
Chengalpattu District
- 3) The District Revenue Officer,
Chengalpattu District
- 4) The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District
- 5) The Tahsildar,
Vandaloor,
Chengalpattu District.

PJ No - 1
No of Copies - NIL



Per O/S
**TAHSILDAR
VANDALUR**



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6) Veerabathira Naidu,
S/o. Chinnasami Naidu.

7) V. Narasimha Naidu,
S/o. Veerabathira Naidu

8) J. Jamuna,
W/o. Janarthanan Naidu,
Respondents 6 to 8 are residing at
Perumal Koll Street,
37, Puthupakkam,
Chengalpattu District - 603 103. ----- Respondents

Status Report filed by the 5th Respondent

I, Tmt. M. Pushpalatha, aged about 50 years now discharging duties as the Tahsildar, Vandalur Taluk, Chengalpattu, do hereby solemnly affirm and sincerely state as follows.

- 1) I am the Fifth respondent herein and I am well aware of the facts and circumstances surrounding the case from the available records and at the outset, deny the various averments/allegations raised by the petitioner except those that are specifically admitted herein.
- 2) I respectfully submit that the Petitioner has filed this WRIT PETITION with a prayer to pass an order or direction or Writ, more particularly Writ of Mandamus to issue direction directing the respondents 1 to 5 to remove the encroachment and restore the channel in its original position situated in S.F.No.355/1 (Old S.F.No.227/1) & 227/1 (Old S.F.No.227/1 Part), 37, Puthupakkam Village, Vandaloor Taluk,

pg - No - 2
Notarized - Nil -
In. Chinnasami Naidu
TAHSILDAR
VANDALUR





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Chengalpattu District by considering petitioner representation dated 24.01.2024, 07.11.2024 & 17.10.2024.

- 3) I respectfully submit that the inspection has been carried out regarding the alleged encroachments and the following details are submitted for your consideration. The survey numbers are classified as follows in the UDR 'A' Register.

Survey Number	Area Sq.m	Classification
227/1	40500	Grama naththam

- 4) I respectfully submit that Following the Natham Settlement, Survey Number 227/1 was subdivided into the following survey numbers with respective areas:

Newly Sub-divided Survey Numbers	Area Sq.m
227/1	8200
354	7250
355	18050
356	7000
Total	40500

The above survey numbers were subdivided and pattas were issued accordingly. Out of the total 40,500 sq.m, there are encroachments reported in the following survey numbers, as mentioned by the petitioner.

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Enc. Cases - NIL



Handwritten signature
**TAHSILDAR
VANDALUR**



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New Survey Number	Old Survey Number	Area Sq.m	Classification
227/1	227/1 Part	2065	Vaikal
355/1	227/1	550	Vaikal
Total Area		2615	

- 5) I respectfully submit that the survey has been conducted on 02.12.2024 the encroachments on the new Survey Numbers 227/1 and 355/1 of Puthupakkam Village, Vandalur Taluk, Chengalpattu details are listed below.

Survey Number	Old Survey Number	Classification	Total area (sq.m)	Encroached Area (sq.m)	Encroachers Name and Details
227/1	227/1 Part	Vaikal	2065 sq.m	80 sq.m	Mangilal s/o Kiyaram
227/1	227/1 Part	Vaikal	2065 sq.m	60 sq.m	Murugan alias Venugopal s/o Ganesan
227/1	227/1 Part	Vaikal	2065 sq.m	100 sq.m	1. Ramachandran s/o Veerabadrappa (Floor house)
				60 sq.m	2. Elirajan S/O Veerabadrappa (cement sheet House)

Pg No. 4
Notary Stamp - NIL
Date: 27/1/24
TAHSILDAR
VANDARU





355/1	227/1	Vaikal	558 sq.m	80 sq.m	Radhakrishnan s/o Chinnappaan (Partial Floor House)
355/1	227/1	Vaikal	558 sq.m	80 sq.m	Devakrishnan S/O Chinnappaan (Partial Floor House)

- 6) I respectfully submit that on 06.12.2024, Show cause Notice under section 7 of Tamil Nadu Land Encroachments Act, 1905 was issued to the individuals (mentioned in the Table Above) who have encroached on Survey Numbers 227/1 and 355/1. Subsequently, on 26.12.2024, Section 6 eviction notices were also issued under the Tamil Nadu Land Encroachments Act, 1905.
- 7) In view of the above-mentioned facts and circumstances, I humbly pray that Hon'ble High Court may be pleased to take this report on record and pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Vandalur
on this the 31.01.2025 and
signed her name in my presence.

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No of Copies - Nil



21/1/25
K.K.S. JAYARAMAN, B.A., B.L.,
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
NO. 9, KAMBAR STREET
GUDUVANCHERY-603 202.

[Signature]
Tahsildar
Vandalur

**TAHSILDAR
VANDALUR**



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3. In our afore-referred 20.11.2024 proceedings, we have issued notice regarding admission only to official respondents but R6 has entered appearance through counsel and Mr.T.Saikrishnan, learned counsel, who has entered appearance for R6 is before us. This Court has repeatedly held that Registry should not accept Vakalatnama from counsel in writ jurisdiction unless notice has been ordered by this Court. We expect the Registry to be cautious in such matters in the days to come. Be that as it may, at our discretion, today we are hearing Mr.T.Saikrishnan, learned counsel for R6 as learned counsel is before us.

4. In the light of the aforementioned status report, the scope of the captioned main WP has been considerably narrowed. We also find that as per the status report, R7 and R8 have not been cited as encroachers qua said land but we make it clear that rights and contentions of R7 and R8 are preserved, if they are visited with notices either qua said land or any other lands. Therefore, there is no impediment in taking up main WP in the Admission Board with the consent of learned State Counsel, learned counsel for writ petitioner and learned counsel for R6. We do so.

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5. Aforementioned 20.11.2024 proceedings shall now be read as an integral part and parcel of this order. This also means that short forms, abbreviations and short references used in the earlier proceedings dated 20.11.2024 will continue to be used in the instant order.

6. As regards R6, two sons of R6 namely, Ramachandran and Ehirajan have been cited as alleged encroachers qua said land as is evident from tabulation in paragraph No.5 of status report.

7. Learned counsel for R6 submits that both sons of R6 were visited with notices under Section 7 of said 1905 Act followed by orders under Section 6 of said 1905 Act, one has preferred a statutory appeal to R2 under Section 10 of said 1905 Act and the other is in the process of preferring an appeal. This submission is recorded and it is made clear that all rights and contentions of sons of R6 will stand preserved for being canvassed in the statutory appeal / appeals and statutory appeal / appeals of sons of R6 will be heard by R2 on its own merits and in accordance with law untrammelled by this order. To be noted, we have also preserved rights and contentions of R7 and R8 supra.



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8. Idol is akin to a minor, Court is guardian and *custodia legis* qua public temple properties. Before writing the operative portion, we deem it appropriate to make it clear that we are also proceeding on ***A.A.Gopalakrishnan*** principle {***A.A.Gopalakrishnan Vs. Cochin Devaswom Board and others*** reported in (2007) 7 SCC 482}. Relevant paragraph is paragraph No.10 of ***A.A.Gopalakrishnan*** principle and the same reads as follows:

'10. The properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their Trustees/Archakas/ Shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the concerned authorities. Such acts of 'fences eating the crops' should be dealt with sternly. The Government, members or trustees of Boards/Trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.'



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9. As according to status report dated 27.01.2025, as notices under Section 7 of said 1905 Act and orders under Section 6 of said 1905 Act have already been made, let proceedings go on, on their own merits and in accordance with law. Let proceedings be concluded as expeditiously as the business of official respondents would permit but in any event, within eighteen weeks from today i.e., on or before 05.06.2025. As this addresses the issues projected by writ petitioner, we are of the considered view that it will suffice to record the obtaining stated position of parties and dispose of the captioned WP as closed albeit with aforementioned time lines.

Ergo, the sequitur is, captioned main WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

30.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

P.S: Though captioned WP is disposed of, Registry to list the captioned WP under the cause list caption 'FOR REPORTING COMPLIANCE' on 12.06.2025.

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To

1. The Commissioner of Land Administration
Chepauk
Chennai-600 005.
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Chengalpattu.
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M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

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