



W.A.No. 3780 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3780 of 2024
and
C.M.P.No. 29701 of 2024

Ganesan

...Appellant

Vs.

1.A.Radhakrishnan

2.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
First Floor, Collectorate,
Kancheepuram - 631501.

4.The Regional Deputy Director of Survey
and Land Records,
Chepauk, Chennai - 600 005.

5.The Revenue Divisional Officer,
Collectorate, Kancheepuram - 631501.

6.The Tahsildar,
Wallajabad Taluk,
Kancheepuram District.



7. The Present Administrator,
Arulmigu Valampuri Vinayagar Temple,
Wallajabad, Kancheepuram District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 14.09.2023 made in W.P.No.27091 of 2023.

For Appellant : Mr.Vijayanarayan, Senior Counsel
for Mr.Prasad Vijayakumar

For Respondents : Mr.Vadivelu Deenadayalan
Additional Govt. Pleader for R2 to R6
Mr.P.Valliappan, Senior Counsel
for M/s.P.V.Law Associates for R7

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Appellant was not a party to the writ petition in W.P.No.27091 of 2023 seeks to challenge the order on the ground, it affects his rights to the property in Survey No. 257 of Walajabad Village. A Writ Petition petition was filed by the 1st respondent seeking a writ of mandamus, directing the 5th respondent to convene a joint meeting to safeguard the interest of the 6th respondent temple and its properties, considering the petitioner's representation dated 19.07.2023.



WEB COPY follows.

2. The operative portion of the order of the Writ Court reads as follows.

"4. Considering the facts and circumstances, the respondents 2 to 4 are directed to initiate all steps to ascertain the properties belonging to the 6th respondent / the Temple and remove the encroachments, if any found and protect the properties belonging to the Temple.

5. The 2nd respondent / the District Collector, Kanchipuram is directed to convene a meeting without causing any undue delay by fixing date and time and communicate the same to all the concerned officials including the petitioner."

3. We have heard Mr. Vijayanarayan, learned Senior Counsel for Mr.Prasad Vijayakumar, learned counsel for the appellant.

4. It is the contention of Mr. Vijayanarayan, learned Senior Counsel for the appellant that the land in Survey No.257 belongs to the appellant and the same has been in possession of the appellant and his predecessors in interest for more than 100 years therefore, an enquiry into the title to the said land cannot be launched at this point of time. We do not think, we can



W.A.No. 3780 of 2

pronounce on the title to the land in Survey No.257 in these proceedings. In as much as we cannot pronounce upon the title to the said land, we cannot prevent an enquiry from being held.

5. The 1st respondent approaches this court claiming that certain lands belong to the Temple and wants the Temple properties to be safeguarded. The writ Court has been cautious enough to not to pronounce on the title of the Temple. It has only directed an enquiry to ascertain the properties belonging to the Temple and to take appropriate action for removal of encroachments. This court has also directed that an enquiry to be conducted, after giving notice to all persons interested.

6. It is also seen from the report of the Tahasildar dated 22.08.2023 wherein, the Tahsildar has stated that the land in Survey No. 257 belongs to third parties and it does not belong to the Temple. Therefore, the apprehension of the petitioner that his land may also be declared to the land of the Temple is unfounded.



7. However, since the survey number mentioned in the writ petition as well as in the representation made by the 1st respondent, we only direct the authorities to issue notice to the appellant while conducting an enquiry and give him opportunity to defend his title to Survey No.257. Notices shall also be issued to other persons interested including the 7th respondent Temple. The enquiry shall be conducted and appropriate orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Appel is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
08.01.2025

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Index: No
Speaking order
Neutral Citation : No



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