



W.P.(MD)No.16785 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.16785 of 2020

and

W.M.P.(MD)Nos.16140 & 16142 of 2020

M.Sankarapandian

... Petitioner

-Vs-

- 1.Government of Tamil Nadu,
St.George Fort, Chennai-600 009,
Through its Chief Secretary.
- 2.The Secretary and Commissioner,
Revenue Department, St.George Fort,
Chennai-600 009.
- 3.The Secretary and Commissioner,
Finance Department,
St.George Fort, Chennai-600 009.
- 4.The District Collector,
Collectorate, Tenkasi District-627 811,
Tenkasi.
- 5.Tahsildar,
Veerakeralamputhur, Tenkasi District.



W.P.(MD)No.16785 of 2020

6.The Secretary and Commissioner,
Hindu Religious and Charitable Endowment Department,
St.George Fort, Chennai-600 009.

7.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

8.A/m.Navaneethakrishnaswamy Kovil,
Veerakeralamputhur-627 861,
Tenkasi District through its Executive Officer.

9.S.M.Maruthappa Pandian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to proceed under Right to Fair Compensation Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 / 2013) and pay compensation to the 8th respondent Temple with statutory interest from 06.02.2002 till payment for occupying 3 acres of valuable land in Sy.No.100, Veerakeralamputhur Village and Taluk, Tenkasi District within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Thomas Raja Durai

For R1 to R5 : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.P.Thilak Kumar,
Government Pleader

For R6 & R7 : Mr.P.Subbaraj,
Special Government Pleader



WEB COPY



W.P.(MD)No.16785 of 2020

For R8 : Dr.C.Gunaseelarupan
For R9 : Mr.T.S.R.Venkataramana,
Senior Counsel, for Ms.V.Janaki Devi

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

This Writ Petition has been instituted to direct the respondents 1 to 5 to proceed under Right to Fair Compensation Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30 / 2013) and pay compensation to the 8th respondent Temple with statutory interest from 06.02.2002 till payment for occupying 3 acres of valuable land in Sy.No.100, Veerakeralamputhur Village and Taluk, Tenkasi District within a time frame to be fixed by this Court.

2.The petitioner is a devotee and the 9th respondent is the hereditary trustee of Arulmigu Navaneethakrishnaswamy Kovil, Veerakeralamputhur, Tenkasi District. It is not in dispute that the land belongs to the said temple has been acquired for public purposes. The acquisition completed in the year 2002 to the extent of 3 acres and the Land Acquisition Officer took possession and the land was allotted for construction of Government Department Office. The Taluk



W.P.(MD)No.16785 of 2020

Office has been constructed in the year 2009 and it is functional as of now.

Though the land acquisition proceedings were concluded in the year 2002, till today, compensation due to the deity of the temple has not been settled by the Land Acquisition Officer. It is most unfortunate that the deity, who is a minor, is deprived of rightful and just compensation in accordance with the Right to Fair Compensation Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act') Act. It is further unfortunate that the competent authorities of HR & CE Department, who are the controlling authority, had miserably failed in their duty to protect the interest of the deity of the temple and they are accountable for their inaction, lapses, dereliction of duty and negligence.

3. Even for securing compensation for land acquisition, the devotee has filed this Writ Petition in the year 2020. Till the year 2020, the officials of HR & CE Department say that they are writing letters to the authorities competent, but no action was taken to secure the compensation and deposit the same in the temple account. The authorities competent are responsible for causing huge financial loss to the temple. The deity in a temple is minor and the High Court as *parens patriae* has to exercise its jurisdiction to protect the interest of the deity and the temple.



W.P.(MD)No.16785 of 2020

WEB COPY

4. In view of the fact that the compensation is not settled in favour of the temple, this Court directed the District Collector, Tenkasi District to explain the reasons. Pursuant to the same, today (21.08.2025) Mr.A.K.Kamal Kishore, I.A.S., District Collector, Tenkasi is present before this Court.

5. The learned Additional Advocate General appearing for the respondents 1 to 5, on instructions, would submit that some lapses are identified on the part of the authorities competent in settling the compensation within a reasonable period of time. It is made clear that no award has been passed nor compensation due to the temple has been settled. This is a major lapses committed by the authority, who had initiated acquisition proceedings at the relevant point of time.

6. It is not in doubt that the compensation is to be settled under the provisions of the Act, 2013. Section 24 (1)(a) of the Act contemplates that “where no award under Section 11 of the said Land Acquisition Act has been made, then, all the provisions of this Act relating to determination of compensation shall apply”.



W.P.(MD)No.16785 of 2020

WEB COPY

7. Therefore, in the present case, the compensation is to be settled in favour of the temple under the Act by following the procedures as contemplated under Sections 26 to 30 of the Act. Under Section 26 of the Act, determination of market value of a land must be done by the District Collector. Criteria to be adopted by the Collector is also enumerated under Section 26 of the Act. Thus, it is made clear that the District Collector is the authority to determine the market value of the land for the purpose of settling compensation. The procedures as stipulated under Sections 26 to 30 are to be followed for settling compensation in respect of the temple land acquired in the year 2002. It is needless to state that interest as contemplated, solatium and other elements prescribed under the Act are also to be properly calculated, while determining the compensation by the competent authority.

8. In view of the facts and circumstances of the case, this Court is inclined to pass the following order:-

(i) The 4th respondent District Collector / competent authority is directed to determine the market value of the land acquired by following the procedures as



W.P.(MD)No.16785 of 2020

contemplated under the Act and initiate all further appropriate actions within a period of four (4) weeks from the date of receipt of a copy of this order;

(ii)The 4th respondent, while determining the market value of the land, shall take into consideration the calculation sheet submitted by the 9th respondent by way of typed set of papers in the present Writ Petition.

(iii)The respondents 2 to 7 are directed to ensure that just compensation under the provisions of the Act is settled in favour of the temple, namely, Arulmigu Navaneethakrishnaswamy Kovil, Veerakeralamputhur, Tenkasi District, within a period of six (6) weeks from the date of expiry of the period of four weeks, which is granted to the District Collector to determine the market value of the land; and

(iv)The entire exercise is directed to be completed and the compensation amount is directed to be settled in favour of the temple within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD)No.16785 of 2020

WEB COPY 9. With these directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
21.08.2025

NCC : Yes / No

Index : Yes / No

Yuva

To

1. Government of Tamil Nadu,
St. George Fort, Chennai-600 009,
Through its Chief Secretary.
2. The Secretary and Commissioner,
Revenue Department, St. George Fort,
Chennai-600 009.
3. The Secretary and Commissioner,
Finance Department,
St. George Fort, Chennai-600 009.
4. The District Collector,
Collectorate, Tenkasi District-627 811,
Tenkasi.
5. Tahsildar,
Veerakeralamputhur,
Tenkasi District.

8/10



W.P.(MD)No.16785 of 2020

WEB COPY

6.The Secretary and Commissioner,
Hindu Religious and Charitable Endowment Department,
St.George Fort, Chennai-600 009.

7.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.



WEB COPY



W.P.(MD)No.16785 of 2020

S.M.SUBRAMANIAM, J.

AND

G.ARUL MURUGAN, J.

Yuva

W.P.(MD)No.16785 of 2020

21.08.2025