IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 7662 of 2023
&
WMP NO. 7820 OF 2023

C.Shankarappa Dixit
S/o Chandrasekarayya Hereditary Trustee of Sri
Kasi Visvanatha Swamy Temple,
Thali village,
Denkanikottai Taluk,
Krishnagiri District

..Petitioner

Vs

1. The Secretary to Government
   The Secretary to Government Tourism culture
   and Endowments Department, Secretariat
   Chennai 600 009
2. The Secretary to Government
   Revenue department Secretariat,
   Chennai 600 009
3. The Commissioner
   Hindu Religious and Charitable Endowments
   Department, 119, Nungambakkam High Road,
   Chennai 600 034
4. The Deputy commissioner
   Hindu Religious and Charitable Endowments
   Department, Salem
5. The Assistant commissioner
   Hindu Religious and Charitable Endowments
   Department, Krishnagiri
6. The District Collector
   Krishnagiri
7. The Tahsildar
   Denkanikottai
8. The Block Development Officer,
   Thali Panchayat Union Krishnagiri District

9. The Inspector
Hindu Religious and Charitable Endowments
Department, Anjetty Krishnagiri

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to call for the records pertaining to the order passed by the 6th respondent in Na.Ka.No. 25681 / 2022 / L.R.2 dated 23.02.2023 and quash the same and consequentially issuing direction directing the 6th respondent to mute all revenue records in the name of temple so far as survey Numbers 93/1 and 93/3 and pay the appropriate amount for unauthorised use of said temple property past 53 years by considering the petitioner statement dated 17.02.2023 submitted to the 6th respondent.

For Petitioner : R. Marudhachalamurthy

For Respondents : Mr.T.M. Rajangam
Govt Advocate for R1, R2, R6 to R8
Mr.S.Ravichandran
AGP, (HR & CE)
for R3, R4, R5 & R9

ORDER

This Writ Petition is filed praying for issuance of Writ of Mandamus to call for the records pertaining to the order passed by the 6th respondent in Na.Ka.No. 25681 / 2022 / L.R.2 dated 23.02.2023 and quash the same and consequentially issuing direction directing the 6th respondent to mute all revenue records in the name of temple so far as survey Numbers 93/1 and 93/3 and pay the appropriate amount for unauthorised use of said temple property past 53 years by considering the petitioner statement dated 17.02.2023 submitted to the 6th respondent.

2. Learned counsel for the petitioner submitted that Arulmigu Kasi Visweswaraswamy Temple is more than century old temple situated in Thali Village, Denkanikottai Taluk, Krishnagiri District. The petitioner is the Hereditary Trustee of the said temple vide order dated 04.03.1992 and has been managing the said Temple and its properties. The Temple owns vast lands comprised in SF.Nos.93/1, 93/3, 134, 135, 157, 158, 170 and 171 at Thali Village, Denkanikottai Taluk and in respect of the above SF.Nos, Ryotwari Patta was issued by the Settlement Tahsildar, Salem vide his order dated 03.10.1968.

3. Whileso, the Revenue Department has decided to use the temple lands situated in SF.No.93/1 and 93/3 for construction of Panchayat Union Office and Panchayat Agro Godown, thereby, in order to acquire temple lands for proposed construction, the 2nd respondent, by issuing GO.Ms.No.2489 Revenue, dated 05.08.1970 sanctioned the transfer of an extent of 4.12 acres situate in SF.No.764/2 and 1.88 acre situate in SF.No.764/3 of Thali Village in exchange of the abovesaid SF.Nos proposed for construction. However, no charges were created and no assignment was made in favour of the temple as per the

abovesaid GO. Hence, the petitioner submitted a detailed representation on 01.11.2021 to the 5th respondent requesting to initiate appropriate action to get back the Temple lands in SF.Nos.93/1 and 93/3 and restore the same in favour of the Temple. Despite the representations of the petitioner dated 01.11.2021 and 21.03.2022, as the respondents are reluctant in returning the properties, the petitioner filed W.P.No.18244 of 2022 before this Court seeking to consider his representation and the above writ petition was disposed of on 19.07.2022 with a direction to the 6th respondent/District Collector to consider the representations of the petitioner and dispose of the same on merits and in accordance with law. After adjudication, the District Collector, arrived at a conclusion except, S.Nos.93/1 and 93/3 all the lands belonging to the Temple , however, in respect of S.Nos.93/1 and 93/3, the lands were allotted for construction of BDO Office and other Government Offices and the same were constructed in the year 1965 and since the petitioner has not taken any steps having regard to the same prior to construction, the petitioner prayed for alternative land or payment of compensation for acquisition of lands in S.Nos.93/1 and 93/3. Thereby, the District Collector rejected the request of the petitioner stating that no document was filed to prove that the lands comprised in S.F.No.93/1 and 93/3 belongs to the Temple and the petitioner has failed to prove the ownership. Hence, challenging the same the present writ petition was filed.

4. Learned counsel appearing for the petitioner submitted that the 6th respondent rejected the representation of the respondent solely on the ground that the letter dated 31.10.1970 was not proved by the Court and prior to 31.10.1970, the Settlement Tahsildar granted ryotwari patta in favour of the petitioner temple vide his order dated 03.10.1968. Subsequently, the District Collector Office vide his proceedings dated 23.01.1976 confirmed that the lands belong to the petitioner temple. Apart from that the Town Register also reflects the petitioner temple name in S.Nos. 93/1 and 93/3 and the above said document confirms the title owned by the Temple, but without considering the above said document, the 6th respondent referring the document that was not available in the District Collector Office, rejected the contention of the petitioner , accordingly he prayed for passing appropriate orders.

5. Learned Addl. Govt. Pleader appearing for the respondents 1, 3, 4, 5 and 9 submitted that admittedly, the land in S.No.93/1 to an extent of 1.55 hectares and S.No.93/3 measuring to an extent of 0.49 hectares belonging to Temple in terms of the order passed by the Settlement Tahsildar dated 03.10. 1968 and all the revenue records stand in the name of the Temple, however, without considering the said document, the 6th respondent /District Collector mechanically passed the order rejecting the petitioner ‘s representation. Hence, this Court may set aside the impugned order by remanding the matter back to the 6th respondent for fresh consideration and pass appropriate orders. Further,

before alienation, for construction of the Government Offices in S.No.93/1 and 93/3, no prior permission obtained under section 34 of the Act from the Commissioner of HR & CE either 1st respondent or from the 3rd respondent. Accordingly, he prayed for appropriate orders.

6. Learned counsel appearing for the respondents 1, 2, 6 to 8 would submit that the land in S.No.93/1 has been subdivided into 93/1A and 93/1B in the Government records. The land in S.No.93/1A measuring 0.61.00 hectare and the land in S.No.93/1 measuring 0.20.00 hectare of Thalli Village stands registered in the name of the Commissioner panchayat Union Thalli. The land S.No.93/1B measuring 0.01.50 hectare stands registerd in the name of the Member of Legislative Assembly, Thalli Assembly Constituency. The BDO, Thalli and the office of the Member of Legislative Assembly, Thalli are situated in S.No.93/1A, 93/1B and 93/3 of Thalli Village. The BDO office and MLA office are functioning in the above lands from the year 1965. The petitioner is not the Trustee of the temple in the year 1965 at the time of construction of the said offices. The petitioner was said to be appointed as the trustee fort he said temple only in the year 1992 after construction of said Government offices. The petitioner now all of a sudden claiming right over the lands of BDO office and MLA office for his personal gains.

7. He further contended that the lands in S.No.93/1A, 93/1B and 93/3 are

temple lands. The petitioner after a lapse of 60 years now claims the right over the lands of BDO office and MLA office and request compensation amount for the said lands for functioning of the above offices The petitioner for his monetary benefit request some amount from the authorities and hence he has filed this petition before this Court without valid grounds and reasons. The petitioner is not the competent authority to get compensation amount to the said temple. The petitioner has no right over the said lands and the petitioner is falsely claiming right over the said lands. The HR&CE Department has to sent representation to the Government in the matter and seek redress. But the HR&CE Department has not sent any representation in this issue from this past 65 years tot he Government. Further the lands in question are being used for a public purpose for the functioning of the Government offices. The lands in S.No.764/2 measuring 1.69.00 hectare and the land in S.No.764/3 measuring 0.77.00 hectare of Thalli village are government lands. The said lands were already allotted to HR&CE Department for the usage of the above offices. But the HR&CE Department has not taken possession of the said lands. Now the said lands have been allotted to Model School of Thalli Village. Further the land in S.No.347/1 measuring 2.42.92 hectare was allotted to the temple was also not taken possession by the HR&CE Department.

8. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

9. The facts of the present case are not in dispute. Admittedly, the petitioner is a Hereditary Trustee of the Arulmigu Kasi Viswanatha Swamy Temple. Earlier he made representations dated 01.11.2021 and 21.03.2022 to secure the lands or in the alternative, for payment of compensation and the same was rejected, thereby, this Court by its order dated 19.07.2022, in WP.No.18244 of 2022 issued a direction to the 6th respondent to consider the same and pass orders . The 6th respondent baldly arrived at a conclusion that in respect of lands in S.Nos.134, 135, 137, 158, 170, 171,belong to the Temple except the lands in S.Nos.93/1 and 93/3. However, the 6th respondent arrived at a conclusion that letter dated 23.01.1976 was not proved by the petitioner and the same is not available in his office. Apart from letter dated 23.01.1976, the 6th respondent failed to consider the order of the Settlement Tahsildar dated 03.10.1968 which is in favour of the petitioner Temple for issuance of ryotwari patta. And further all revenue records stand in the name of the petitioner temple name. Apart from that there is no discussion with regard to the prior permission obtained from the HR & CE Department with regard to the land in S.Nos.93/1 and 93/3 in which the 8th respondent and other Government Offices were constructed. Further, the Settlement Tahsildar by order dated 03.10.1968, has mentioned the schedule as follows in his order;

> *"It is seen from the evidence on record that the lands comrpised in the inam were granted for the support of Sri Kasivisweswaraswamy temple situated in S.No.149/1Aof Thalli*

Village. Exhibit P.1 is the Inam T.D.granted by theInam Commissioner. The Inam T.D. is issued only in the name of the manager for the time being of the pagode of Sri Kasiwisweswaraswamy temple. It is clearly an unenfranchised grant, granted to the temple itself. The temple admittedly owns both warams and it is therefore entitled to ryotwari patta under section 11 read with section 8(2)(ii) of Act 30 of 1963. In exercise of the powers of Assistant Settlement officer delegated to me in G.O.P.No.401/Revenue dated 15.2.1965, I allow ryotwari patta for the suit lands to the temple as per schedule below:

Sd/- G.Palavesam,
Settlement Tahsildar, Salem.

To Sri Kasiviswesswaraswamy temple of Thalli village through the poosari represented as manager for the time being of.

Copy to the Independent Deputy tahsildar, Denkanicotta and Asst. Commissioner, H.R.& C.E., Salem.

Copy submitted to Asst. Settlement Officer, Salem.

SCHEDULE

Name of the village	T.D. No.	S.No. & S/d	Extent	Nature of order
Thalli	3471	93/1	1.55	()
		93/3	0.49	()
		134	2.70	()
		135	1.52	() Patta allowed
		157	3.00	() to Kasiviswes
		158	2.60	() waraswamy
		170	3.79	() temple
		171	0.19	()

10. In view of the Settlement Tahsildar order, which was not discussed

by the 6th respondent, the impugned order is set aside and the matter is remanded back to the 6th respondent. The 6th respondent is directed to initiate the proceedings for calculating the compensation equivalent to the lands utilised for construction of Government Offices or pay the rent to the temple in consultation with the 3rd respondent.

11. Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected miscellaeous petitions are closed.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
msr

To

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The Secretary to Government Tourism culture and
Endowments Department Secretariat
Chennai 600 009

2. The Secretary to Government
Revenue department Secretariat, Chennai 600 009

3. The commissioner
Hindu Religious and Charitable Endowments
Department, 119, Nungambakkam high Road,
Chennai 600 034

4. The Deputy commissioner
Hindu Religious and Charitable Endowments
Department, salem

5. The Assistant commissioner
Hindu Religious and Charitable Endowments
Department, Krishnagiri

6. The District collector
Krishnagiri

7. The Tahsildar
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8. The Block Developemnt officer
Thali Panchayat Union Krishnagiri District

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Department, Anjetty Krishnagiri

M.DHANDAPANI J.

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