

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twentieth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

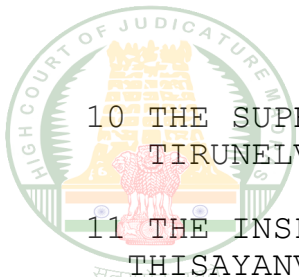
WP (MD) No.14821 of 2020

N.MURUGAN

... PETITIONER

Vs

- 1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD,
CHENNAI
- 2 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD,
TIRUNELVELI
- 3 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD,
TIRUNELVELI
- 4 THE FIT PERSON/THAKKAR,
ARULMIGU VADAKKUA SELVI AMMAN THIRUKOVIL,
VADIVAMMANPATTI, TIRUNELVELI DISTRICT
- 5 THE ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY AND MINING, TIRUNELVELI
- 6 THE SPECIAL TAHSILDAR
LAND ACQUISITION, INTER LINKING OF RIVERS UNIT 6,
NANGUNERI, TIRUNELVELI DISTRICT
- 7 NAINAR NAIKAR,
- 8 S.SUKUMR
- 9 THE SUPERINTENDENT OF POLICE,
IDOL WING CID, THIRU.VI.KA. INDUSTRIAL ESTATE,
GUINDY, CHENNAI 32.
(R9 IS SUO MOTU IMPEADED VIDE COURT ORDER
DATED 05.11.2020 IN WP(MD).14821/2020)



10 THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT.

11 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.

(R10 AND R11 ARE SUO MOTU IMPEADED VIDE COURT ORDER DATED

20.11.2020 IN WP(MD).14821/2020)

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ or order or direction more in the nature of writ of mandamus directing the respondents 1 to 4 to get the compensation amount for acquisition of land belongs to the temple for interlinking of river project and also take steps for installation of moolvar idol and conduct consecration in the Arulmighu Vadakkuva Selvi Amman Temple, Kottailarungulam Village, Thisayanvilai Taluk, Tirunelveli District.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.H.ARUMUGAM, Advocate for the petitioner and of Mr.SREECHARAN RANGARAJAN, Additional Advocate General assisted by Mr.N.SHANMUGA SELVAM, Additional Government Pleader for the respondents 1 to 4, Mr.K.P.KRISHNA DOSS, Special Government Pleader for the respondent No.6, MR.VEERAKATHIRAVAN, Senior Counsel for MR.T.SAKTHI KUMARAN, Advocate for Respondent No.7, Mrs.J.PADMAVATHI DEVI, Special Government Pleader for the respondents 5, 10 & 11, the court made the following order:-

[Order of the Court was made by **N.KIRUBAKARAN , J.**]

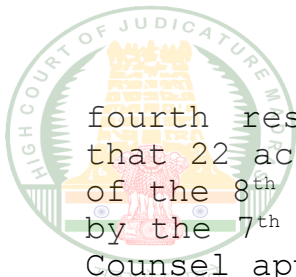
It is appropriate to implead the "**Superintendent of Police, Tirunelveli District, and the Inspector of Police, Thisayanvilai Police Station, Tirunelveli District**", are suo-motu impleaded as the respondents 10 and 11. Registry is directed to carry out necessary amendments in the cause title.

2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the newly impleaded respondents 10 and 11 and also undertakes to file a report as to why the complaint given on 15.11.2020, has been registered on 19.11.2020, especially, when it is lodged by the HR&CE Department.

3.When the matter has come up for hearing today, the Commissioner, HR&CE Department, Chennai, is present before this Court, through Video Conferencing, as per the earlier order of this Court.

4.Even for giving effect to the orders passed in the year 2015, it took about 5 years for the HR&CE Department to take charge of

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fourth respondent Temple from the suspended Trustee. It is found that 22 acres of Temple properties were vandalized by illegal mining of the 8th respondent, who has been licensed illegally and highhanded by the 7th respondent, for whom, Mr.Veera Kathiravan, learned Senior Counsel appears today.

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5. When that is the position with regard to the Temple located in a remote place having only some properties, it is not known as to how the Temples having a large number of properties, are administrated. It is also brought to the notice of this Court that as per the earlier order of this Court, the properties of the Temples in Tamil Nadu are being noted and documented and are being digitalized and is to be uploaded in the website.

6. It is not known as to the stage of the documentation and digitalization process. If the HR&CE Staff are not available in sufficient numbers and they are not technically qualified to enumerate and digitalize the property details of the Temples in Tamil Nadu, it is open to the HR&CE Department to avail the outsourcing facilities to do the said work as per law.

7. With regard to the process undertaken by the HR&CE Department, for enumeration, documentation and digitalization, a report has to be filed before this Court on the next date of hearing.

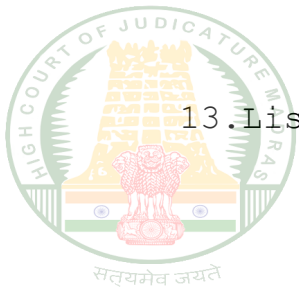
8. The police authorities shall act on the FIR registered in Crime No.411 of 2020 for the offences punishable under Section 420 of I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, based on the complaint given by the HR&CE Department, against the accused and file a status report before this Court on the next date of hearing.

9. The fifth respondent shall file a report with regard to the extent, for which, the quarry operation was done in the land belonging to the fourth respondent Temple, as it is vaguely stated in the previous report that the entire 22 acres have been vandalised.

10. Notice to the 8th respondent returnable by 09.12.2020. Private notice is also permitted in all modes.

11. It is open to the authorities to take action against all the violators, including the petitioner, who is to be found a violator and file a report before this Court.

12. The personal appearance of the Commissioner, HR&CE Department, Chennai, is dispensed with, in future.



13. List the Writ Petition on **09.12.2020, at 02.15 p.m.**

sd/-
20/11/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.
TO

- 1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD, CHENNAI.
- 2 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD, TIRUNELVELI.
- 3 THE ASSISTANT COMMISSIONER
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ORDER IN
WP(MD) No.14821 of 2020
Date :20/11/2020