

W.P.No.15911 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

Two principal concerns are indicated in the petition: the first pertaining to the copper plate at the relevant temple and the second pertaining to the encroachment on 400 acre of temple land. A counter-affidavit has been filed by the Joint Commissioner, Tanjavur. The copper plate has been recovered and the petitioner's grievance in such regard has been taken care of.

2. However, what is alarming is that paragraph 6 of the counter-affidavit filed by the Joint Commissioner reveals that the temple administration has identified 206.93 acre of land belonging to the temple "and uploading process in the HR & CE website is going on". The next sentence is shocking:

"Major part of the lands were leased out to tenants and some encroachers are also in possession."

3. There is no indication as to who could have leased out temple land to any tenant and as to how many encroachers are in possession and what part of the temple land has been let out and what part encroached.

4. The cavalier manner in which the counter-affidavit has been prepared cries out for immediate action to be taken against the Joint Commissioner, including for contempt. Indeed, the arrogance of the Joint Commissioner knows no bounds as he suggests in the last paragraph of the affidavit that the procedure contemplated in the HR & CE Act, 1959, "is cumbersome and therefore time-limit may not be fixed".

5. The Secretary in the HR & CE Department will furnish full details as to the extent of the land which is owned by this temple, the measures that have been taken to retrieve the land, the particulars of the tenants to whom parcels of land may have been let out, the accounts pertaining to the lease rents that may have been tendered and the steps taken to rid the land of the encroachers. Such affidavit must be submitted when the matter appears next, a fortnight hence.

6. The Secretary would do well to enthrone government servants in the department so that such complete lack of accountability as is revealed from the counter-affidavit filed by the Joint Commissioner here is more the exception than the rule.

7. The concerned Joint Commissioner, Thennarasu, son of Ganesan, should file an affidavit to show-cause why immediate appropriate action should not be taken against such person, inter alia, for the disrespect shown to the court in the manner in which the affidavit has been drafted and for dereliction of duty in not paying attention to any detail or seeking to furnish the same to court. Such explanation should also be available when the matter appears next.

8. List on 20.10.2021.

(S.B., CJ.) (P.D.A., J.)
22.09.2021

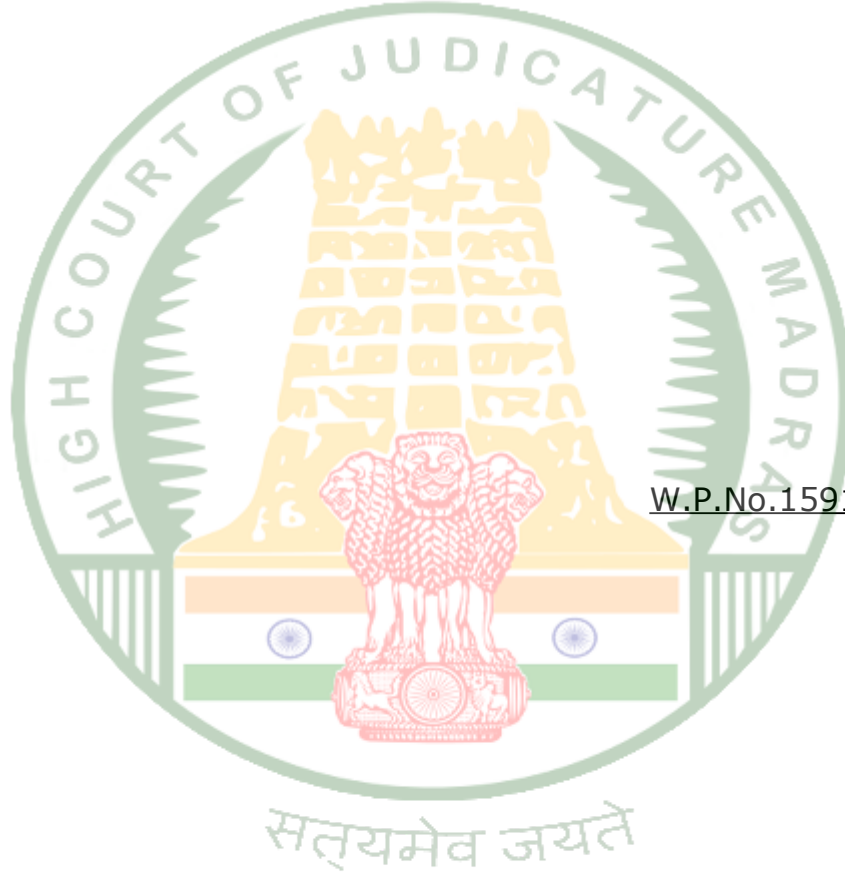
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