

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WP.No.22292/2015 & MP.No.1/2015

S.Sivaraman

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Petitioner

Versus

1.The District Collector
Vellore, Vellore District.

2.The Tahsildar
Arakonam, Arakonam Taluk
Vellore District.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Board, Sathuvachari, Vellore,
Vellore District.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner in the land admeasuring 0.11 acres comprised in S.No.379/4C1 Thakkolam Village, Arakonam Taluk, Vellore District.

For Petitioner : Mr.G.Rajan

For R1 & R2 : Mrs.P.Rajalakshmi, GA

For R3 : Mr.M.L.Mahendran, GA [HR&CE]

ORDER

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims that his ancestors were the residents of Thakkolam village, for several generations and his great grandfather, viz., Veerasamy Mudaliar, has several properties in the said place which includes properties comprised in S.Nos.379/4B admeasuring 0.24 acres, S.Nos.379/4A/4, 379/4A3A, 379/4C1 admeasuring 0.11 acres and 379/4C2 admeasuring 0.2.5 ares. The petitioner claims to be the grandson of Periyathambi Mudaliar, who is the son of Veerasamy Mudaliar. The petitioner further stated

that the property admeasuring an extent of 0.24 acres comprised in S.No.379/4B was gifted by his ancestors in favour of the family Deity, viz., Sri Sellathamman Temple, Thakkolam in or about the year 1923 and the remaining part of the lands were in possession of his ancestors. The petitioner would state that the 3rd respondent, under the guise of claiming that the said property also belongs to the temple, has started giving trouble and in this regard, the petitioner submitted a representation dated 07.07.2015 to the respondents and since he has not been favoured with any response, the petitioner came forward to file this writ petition.

3.Heard the learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2 and Mr.M.L.Mahendran, learned Government Advocate [HR&CE] who accepts notice on behalf of the 3rd respondent.

4.Mr.M.L.Mahendran, learned Government Advocate [HR&CE] , would submit that the proper and necessary party is the Hereditary Trustee of the temple and he has not been arrayed as a party in this writ petition and the petitioner has not locus standi to file this writ petition.

5.Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the claim projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 07.07.2015 in accordance with law, after putting on notice the persons concerned and pass orders within period of four weeks thereafter and communicate the decision to the petitioner as well as to the persons concerned.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Vellore, Vellore District.

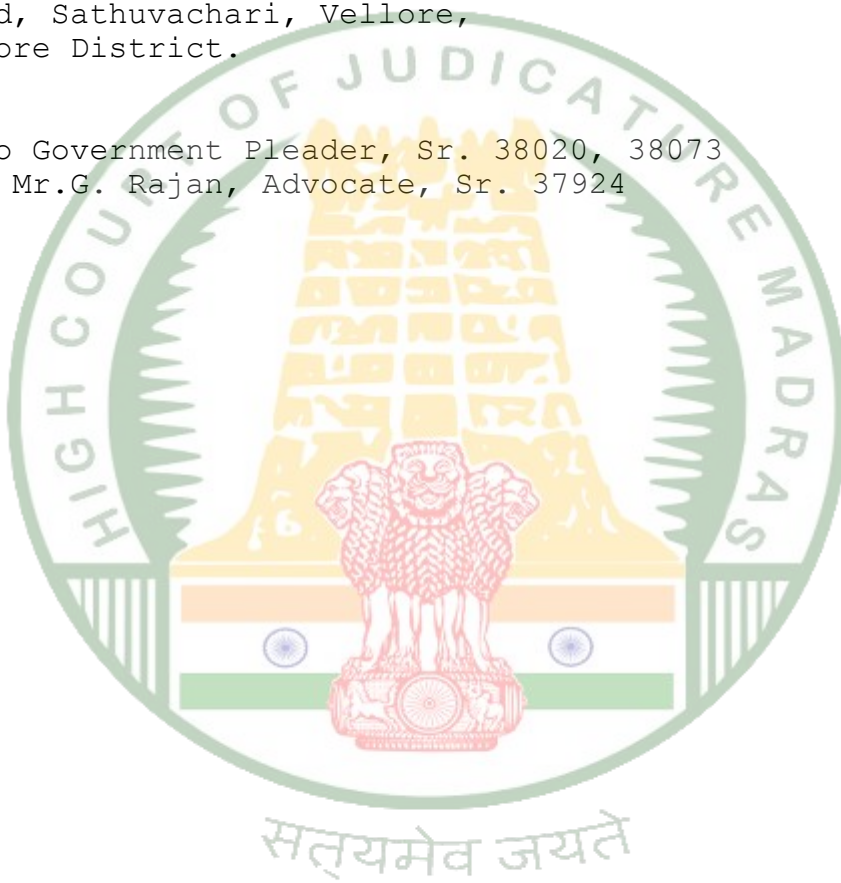
2.The Tahsildar
Arakonam, Arakonam Taluk
Vellore District.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Board, Sathuvachari, Vellore,
Vellore District.

2 ccs to Government Pleader, Sr. 38020, 38073
1 cc to Mr.G. Rajan, Advocate, Sr. 37924

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NM (CO)
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