

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.16102/2010 & MP.No.2 of 2010
MP.No.1/2015

D.Kaliyaperumal

... Petitioner

Versus

1. The Special Deputy Collector
[Revenue Court], Cuddalore District,
Cuddalore-1.
2. The Executive Officer
Vriddhagiriswarar Devaasthanam
Vridhachalam, Cuddalore District.
3. The Assistant Commissioner
Revenue Court, Cuddalore-1.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records connected with the impugned proceedings in Case No. P.T.A.63/10 dated 20.5.2010 passed by the Assistant Commissioner Revenue Court Cuddalore and to quash the same.

For Petitioner : Mr.K.Sannjay

For RR1&3 : Mr.R.Vijayakumar,
Additional Government Pleader

For R2 : Mr.K.V.Dhanapalan,
Additional Government Pleader

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ORDER

Heard Mr.K.Sannjay, learned counsel for the petitioner ; Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.K.V.Dhanapalan, learned Additional Government Pleader appearing for the 2nd respondent and with their consent, the writ petition is disposed of.

2.This petition has been filed by the petitioner challenging the notice issued by the 1st respondent who is the Special Deputy Collector, Cuddalore District. The said notice was issued based on an application filed by the 2nd respondent/Temple stating that the petitioner should be evicted from the temple property. The petitioner would state that already a civil suit is pending and certain orders have been passed by the Civil Court.

3.In my view, the notice issued by the 1st respondent cannot be quashed at the threshold and it is always open to the petitioner to appear before the 1st respondent and raise all contentions including the jurisdiction of the 1st respondent, to issue the impugned order.

4.It is seen that the writ petition is pending from the year 2010 onwards and there is no interim order. Learned counsel on either side are not able to report as to what is the present stage of the matter. In any event, if no action had been taken by the 1st respondent pursuant to the impugned notice due to the pendency of the writ petition, it is open to the 1st respondent to issue fresh notice to the parties, hear them and then take a decision in the matter. If such notice is received by the petitioner, he is at liberty to raise all contentions including the plea relating to the jurisdiction of the 1st respondent to issue such notice. It is needless to state that the 1st respondent shall afford an opportunity of personal hearing to the petitioner as well as to the 2nd respondent/temple and thereafter, proceed in accordance with law.

5.With the above direction, the writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition are closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Special Deputy Collector
[Revenue Court], Cuddalore District,
Cuddalore-1.
2. The Executive Officer
Vriddhagirishwarar Devasthanam
Vridhachalam, Cuddalore District.
3. The Assistant Commissioner
Revenue Court, Cuddalore-1.

+lcc to Mr.G.Elanchezhian, Advocate, S.R.No.42350
+lcc to the Government Pleader, S.R.No.42459

WP.No.16102/2010

SVI (CO)
CA(26/08/2015)



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