



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17793 of 2015
and MP(MD)1 OF 2015

J.Lalitha ... Petitioner

Vs.

1.The Joint Commissioner,
Tamilnadu Hindu Religious & Charitable
Myladurai.

2.Sri.Sanath Kumelswar Temple,
S.Pudur, rep.by
Uppiliappan Temple Sri Venkatachalapathy
Temple,by its Assistant Commissioner cum
Executive Officer,
Kumbakonam, Thanjavur District.

3.The Assistant Commissioner,
Tamilnadu Hindu Religious & Charitable Endowments,
Kumbakonam, Thanjavur District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in his order of Miscellaneous Petition No.5 of 2009 dated 24.08.2015 and quash the same and consequently direct the respondents not to interfere with the petitioners possession and enjoyment with regard to land in No.68, S.Pudur Village, New Survey No.214/28 and Old Survey No.214-27A1 situated at Kumbakonam Taluk, Thanjavur District.

For Petitioner	: Mr.G.Gomathi Sankar
For Respondents	:Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition has been filed to quash the order passed by the first respondent in Miscellaneous Petition No.5 of 2009 dated 24.08.2015 and consequently direct the respondents not to interfere with the petitioner's possession and enjoyment with regard to land in New Survey No.214/28 and Old Survey No.214-27A1 situated at Kumbakonam Taluk, Thanjavur District.

2.Admittedly, there is an alternative remedy available under the provisions of HR & CE Act, 1959. Even otherwise, Mr.V.R.Shanmuganathan, learned Special Government Pleader states that a Civil Suit filed by the present petitioner is pending in O.S.No.549 of

2013 before the Principal District Munsif Court, Kumbakonam and no interim order was passed.

3.The subject matter of civil suit cannot be adjudicated before this Court and the same can be put forth before the civil forum. Hence, this writ petition is dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/TURE COPY/

Sub Assistant Registrar

mj

To

1.The Joint Commissioner,
Tamilnadu Hindu Religious & Charitable Administration Department,
Myladurai.

2. Assistant Commissioner cum Executive Officer,
Sri.Sanath Kumelswar Temple,
S.Pudur,and Uppiliappan Temple Sri Venkatachalapathy
Temple, Kumbakonam, Thanjavur District.

3.The Assistant Commissioner,
Tamilnadu Hindu Religious & Charitable Endowments,
Kumbakonam, Thanjavur District.

+1 cc to MR.G.GOMATHISANKAR, ADVOCATE, SR NO: 58601
+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 58879

JAM /03/11/2015/ARK/2P-6C

Writ Petition (MD) No.17793 of 2015

05.10.2015