

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No. 29136 of 2015

and

M.P.No.1 and 2 of 2015

Arulmigu Oppilladhamman Temple
Rep by its Hereditary Trustee
K.R.Durai, No. 24/6,
Periya Aranmanaikkara Theru, Ariyalur. ... Petitioner

Vs.

1. The District Collector
Ariyalur District.
2. The Tahsildar
Ariyalur Taluk & District.
3. The Executive Officer,
Ariyalur Municipality.
4. G.Murugan Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the tender notification No. 2373/E1/2015 dated 06.08.2015 published in Makkal Kural daily on 07.08.2015 and the consequential proceeding of tender declaration dated 28.08.2015 issued by the 3rd respondent, to quash the same and consequently direct the 2nd respondent to issue patta in respect of the temple land in Survey No. 556/3 situate at 11th ward, Ariyalur Town based on the patta application dated 11.03.2013 forthwith.

For Petitioner : Mr.C.Prabakaran.
For Respondent Nos.1 & 2 : Mr. S.Pattabiraman,
Government Advocate.
For Respondent No.4 : Ms.R.Poornima.

O R D E R

The petitioner, who is a temple has come forward to file this writ petition challenging the publication of tender notification No. 2373/E1/2015, dated 06.08.2015, on the ground that the property covering the same belongs to it.

2. Heard the learned counsel for the petitioner, the Government Advocate for the respondent Nos. 1 and 2 and the learned counsel for the respondent No. 4. The learned counsel for the respondent No. 4 submitted that the petitioner has already filed a suit, seeking for the very same relief in O.S. No. 20 of 2006, on the file of the District Munsif Court, Ariyalur, which was dismissed for default on 15.09.2014.

3. On perusal of the judgement and decree rendered by the jurisdictional Court in O.S. No. 20 of 2006, it is clear that the petitioner has sought for an order of permanent injunction against the official respondent herein, namely the respondent No. 3, with a prayer restraining it from interfering with its possession and enjoyment of suit property, either by forming Tar road or otherwise. Unfortunately, the said factum has also not been mentioned in the Affidavit filed by the petitioner in support of the writ petition.

4. Considering the above facts, this Court is not inclined to allow this writ petition and therefore, the same is dismissed. However, it is made clear that this order will not stand in the way of the petitioner for filing appropriate application to restore the original suit which was dismissed for default.

5. The writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

rms

-s/d-

Assistant Registrar(CS-v)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Ariyalur District.

2. The Tahsildar
Ariyalur Taluk & District.

3. The Executive Officer,
Ariyalur Municipality.

+ 1 cc to M/s.R.Poornima, Advocate SR 442

+ 1 cc to Govt.Pleader SR 626

+ 1 cc to M/s.C.Prabakaran, Advocate SR 664.

sai(co)

prk20/1

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