

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.14387 of 2013

Selliamman Koil
Represented by its Dharmakarta,
Ramu Mudaliar
Son of Dharma Mudaliar,
Chetty Street, Vridachalam Taluk,
Cuddalore District.

.. Petitioner

Vs

The Commissioner,
Vridhachalam Municipality,
Vridhachalam Taluk,
Cuddalore District.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the respondent from interfering with the possession of the petitioner in respect of the property situate at S.No.207.2, Vridachalam Town and Taluk, Cuddalore District.

For Petitioner : Mr.Ms.Aditi Sushree for
Mr.V.Raghavachari

For Respondents : Mr.R.P.Prathap Singh
Government Advocate

ORDER

The prayer sought for in the writ petition is to forbear the respondent from interfering with the petitioner's possession of the property comprised in S.No.207/2, Vridachalam Town and Taluk, Cuddalore District.

2. The land comprised in S.No.207/2 is classified as Temple Poramboke in the revenue records. When the respondent had tried to interfere with the temple's possession of the land, they had filed a suit in O.S.No.811 of 1993 against the respondent herein, seeking for an order of permanent injunction. The said suit was decreed on 04.04.2001. In spite of the decree, the respondent had again tried to interfere with the temple's possession of the land and hence, they have filed in W.P.No.22337 of 2005 which was disposed of on 12.07.2005, with a direction that the possession of the temple should not be disturbed except under due process of law. The orders in the suit as well as in the writ petition have become final.

3. Under such circumstances, the respondent had again attempted to interfere with the temple's possession of the subject land. Subsequently, the petitioner had sent a representation to the respondent calling upon them to refrain from interfering with the temple's possession. In spite of the same, the

respondent continues to interfere with their possession. Hence, the present writ petition has been filed.

4. Admittedly, the Judgment and decree in O.S.No.811 of 1993 dated 04.04.2001 and the order in W.P.No.23373 of 2005 dated 12.07.2005 have become final. The decree made in the suit and the order passed in the writ petition are self explanatory. It is clearly observed therein that the subject land being temple poramboke, the respondent should not interfere with the petitioner's possession of the same. In view of the same, the defendants therein are restrained from interfering or seeking any right over the land by claiming that they are in possession of the land. Further more, the classification of the land as temple poramboke is not disputed.

5. Under such circumstances, there shall be a direction to the respondents to refrain from interfering with the petitioner's possession of the land situated in S.No.207/2 Vridachalam Town and Taluk, Cuddalore District. However, if the respondent is still aggrieved against the petitioner's possession, it is open to them to take appropriate action under due process of law.

M.S.RAMESH,J

kkd

Accordingly, this writ petition is allowed. No costs.

18.11.2016

Index : Yes/No
kkd

To

The Commissioner,
Vridhachalam Municipality,
Vridhachalam Taluk,
Cuddalore District.

W.P.No.14387 of 2013