

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44065 of 2016

ORDER

This writ petition is filed by petitioner seeking to declare the action of 1st respondent-Temple in issuing the Lr.No.3/SYLNST/2016 dated 05.12.2016 directing him to vacate his residence and to cooperate with the department in construction activities of the temple, as illegal and arbitrary.

2. It is stated that the petitioner being Archaka of the 1st respondent temple is residing in the house property for the last 75 years and that the Executive Officer of the temple under the influence of unsocial elements issued the impugned letter directing him to vacate the house situated out of the temple and is no way connected with the renovation of the temple.

3. A perusal of the impugned letter would disclose that the petitioner was directed to give his explanation within 5 days from the date of receipt of said letter. But, the petitioner without giving any explanation to the said notice approached this Court. Hence, this Court is of the view that the writ petition is not maintainable as the petitioner is at liberty to make his explanation to the 1st respondent. Therefore, I deem it appropriate to direct the petitioner to submit his explanation on or before 23.12.2016 to the 1st respondent, and on such submission, the 1st respondent is directed to consider the same and pass appropriate orders in accordance with law on or before

30.12.2016. Till such time, the petitioner cannot be dispossessed from the property in dispute.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE RAJA ELANGO

19th December, 2016

sj



