

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Seventh day of November Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE D.KRISHNAKUMAR

CMP No.20268 of 2017

IN CRP.[PD] 3719/2016

THIRUVANNAMALAI TOWN VANIYA [PETITIONER]
CHETTIAR DEVELOPMENT AND WELFARE ASSOCIATION,
REP.BY ITS SECRETARY,
NO.44, CHENGAM ROAD, THIRUVANNAMALAI.

Vs

1 ARULMIGHU ARUNACHALAESWARAR [RESPONDENTS]
DEVASTHANAM THIRUVANAMALAI REP.BY ITS
EXECUTIVE OFFICER/JOINT COMMISSIONER.

2 C.N. SIVA BABU

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to carry on the religious and charitable activity around the mountain the first respondent temple at least during the yearly festival being celebrated between 23-11-2017 to 01.12.2017 and subsequently years till the disposal of the CRP [PD] 3719/2016.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.S.NARASIMHAN, Advocate for the petitioner and of MR.A.K.SRIRAM, Advocate for the 1st respondent and of MR.J.ASHOK, Advocate for the 2nd respondent, the court made the following order:-

The revision petitioner has filed this petition praying to permit the petitioner Association, to carry on the religious and charitable activity around the mountain in the first respondent temple, atleast during the yearly festival being celebrated between 23.11.2017 to 01.12.2017 and the subsequent years till the disposal of the revision petition.

2. The learned counsel for the petitioner would submit that the petitioner society seeks permission to use the suit property only for religious and charitable purposes and by usage of the demised property, the petitioner society will not claim any equity or right over the property, till the same is decided in the revision petition or in the suit. Therefore, granting the above prayer to the petitioner, no prejudice would be caused to the respondents.

3. On the contrary, learned counsel for the respondents would submit that the subject matter of the application is granting of injunction and if the same is allowed, there will be complicity of proceedings. Therefore, the Court shall not grant any interim injunction. Further, the learned counsel for the respondents would submit that the respondents have no objection for the petitioner Association to prepare the food and distribute to the devotees, in any other place apart from the demised property and that the petitioner Association can approach the competent authority for getting such permission.

4. In view of the above submission, the learned counsel for the petitioner Association seeks for liberty to approach the District Collector, Tiruvannamalai, to provide a suitable place for distribution of food to the devotees, during the festival period.

5. In the light of the submission made by the parties, the C.M.P is dismissed, with liberty to the petitioner Association to approach the District Collector, Tiruvannamalai, who is the competent authority for granting permission to provide a suitable place, without prejudice to the right of the respondents in the Civil Revision Petition.

-sd/-

27/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT JUDGE
THIRUVANNAMALAI, THIRUVANNAMALAI DISTRICT.

2 THE PRINCIPAL SUBORDINATE
JUDGE, THIRUVANNAMALAI.

3 THE DISTRICT COLLECTOR,
THIRUVANNAMALAI

C.C. to M/S.A.S.NARASIMHAN Advocate on payment of necessary charges

C.C. to M/S.A.K.SRIRAM Advocate on payment of necessary charges

C.C. to M/S.J.ASHOK Advocate SR.NO. 15052

Order

in
CMP.20268/2017

in
CRP.[PD]3719/2016

Date :27/11/2017

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