

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2017

CORAM

The Honourable MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6472/2017 & WMP.No.6979/2017

P.Vediappan

... Petitioner

Vs

1 The State of Tamil Nadu rep by
Joint Commissioner,
Hindu Religious and Charitable Endowment,
Kottai Mariamman Koil Valagam,
Salem.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Dharmapuri District.

3. The Inspector, Hr.R.& C.E
Hindu Religious and Charitable Enowment,
Krishnagiri
District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to forbear the Respondents, their men, agents, servants, subordinates or anybody acting on their behalf from in any way interfering with petitioner's peaceful possession and enjoyment of 3.54.50 Ha of land in S.No.218 Orappam Village, within the Bargur Sub Registration Department, Krishnagiri district belongs to Arulmigu Selliammal Temple, which is situated at Orappam Panchayat, Marudhepalli Village, Krishnagiri District.

For Petitioner : Mrs.Selvi George

For Respondents : Mr.M.Maharaja, Spl.GP (HR&CE)

ORDER

By consent, this writ petition is taken up for final disposal. Mr.M.Maharaja, learned Special Government pleader accepts notice on behalf of the respondents.

2 It is a claim of the petitioner that the land admeasuring an extent of 3.54.50 Hectares comprised in Survey No.218, Orappam Village, Bargur Taluk, Krishnagiri District, belongs to Arulmighu Selliamman Temple and the said landed property was in possession of his forefathers for more than 50 years and after their demise, the petitioner is in possession and enjoyment of the same and carrying on agricultural operations in the said land and also act as a "Poosari" of the temple and also maintaining the said temple. The Petitioner expresses the grievance that though his forefathers and after their demise, the petitioner is in possession and enjoyment of the same and doing agricultural operations, the respondents 2 and 3, all of a sudden, without any recourse to law, are trying to disposses the petitioner and in this regard, the petitioner also submitted a representation dated 19.10.2016 to the respondents and giving disposal of the same continues to intimidate the petitioner with the threat of dispossession and therefore, the petitioner came forward to file this present writ petitioner.

3 Mrs.Selvi George, learned counsel for the petitioner vehemently contended that the Village Administrative Officer, Orappam village, has also given a certificate as to the possession and enjoyment of the petitioner and the respondents, in all fairness shall not dispossess the petitioner without recourse of law and prays for appropriate orders.

4 Per contra, Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner is never in possession of the lands and making a false claim and prays for dismissal of the writ petition.

5 This court has carefully considered the rival submissions and the materials placed before this Court.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to respondents 2 & 3 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 2 and 3 shall considered the representation on merits and in accordance with law and pass appropriate orders within a further period of four weeks thereafter and communicate the decision taken to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1 The Joint Commissioner, State of Tamil Nadu ,
Hindu Religious and Charitable Endowment,
Kottai Mariamman Koil Valagam,
Salem.
2. The Assistant Commisioner,
Hindu Religious and Charitable Endowment,
Dharmapuri District.
3. The Inspector, Hr.R.& C.E
Hindu Religious and Charitable Enowment,
Krishnagiri District.

+1cc to the Government Pleader Sr.16953
+1cc to Ms.Selvi George, Advocate Sr.16426

W.P.No.6472 of 2017

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