

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of November Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE N.KIRUBAKARAN

TR CMP(MD)No.52 of 2017

and CMP.MD.Nos.1454, 1455, 2877 & 3065 of 2017

ARULMIGU MEENAKSHI SUNDAREWARAR [PETITIONER TRCMP.MD.52/17
DEVASTHANAM, MADURAI, THROUGH & CMP.MD.1454, 1455/17 AND 1st
ITS EXECUTIVE OFFICER. RESPONDENT IN CMP.MD.2877,
3065/17]

Vs

E.M.G.SOUNDARARAJAN[DIED] [1 TO 3 RESPONDENTS IN
TRCMP.MD.52/17 & CMP.MD.1454,
1455/17 AND 1 TO 3 PETITIONERS IN
CMP.MD.2877/17 AND 2 TO 4
RESPONDENTS IN CMP.MD.3065/17]

1 E.M.G.S.INDIRANI
2 E.M.G.S.POTHI GOPALAKRISHNAN
3 E.M.G.S.POTHI RAJAN

4 E.M.G.S.ARUN POTHIRAJ [4 TO 11 RESPONDENTS IN
TRCMP.MD.52/17 & CMP.MD.1454,
1455/17 AND 2 TO 8 PETITIONERS IN
CMP.MD.2877/17 AND 5 TO 11
RESPONDENTS IN CMP.MD.3065/17]

5 S.RAJESWARI
6 DR.E.M.G.S.GOPALAKRISHNAN PANDIAN
7 E.M.G.S.RADHAKRISHNA PANDIAN
8 E.M.G.S.MUTHUMEENAKSHI
9 M.RAVISANKAR
10 M.MURALISANKAR

11 ONDIMUTHU @ N.O.MUTHU [11th RESPONDENT IN
TRCMP.MD.52/17 & CMP.MD.1454,
1455/17 AND 9th RESPONDENT IN
CMP.MD.2877/17 AND PETITIONER IN
CMP.MD.3065/17]

12 THE DISTRICT COLLECTOR, [12th RESPONDENT IN
MADURAI DISTRICT, MADURAI CMP.MD.1454, 1455/17]

Petitions praying that in these circumstances stated therein
and in the respective affidavits filed therewith the High Court
will be pleased to

(i) Withdraw E.P.No.77 of 2006 in OS.No.123 of 1970 on the file of I Additional Subordinate Court, Madurai to any other regular Subordinate Judge, Court at Madurai (in TRCMP.MD.No.52/2017);

(ii) Impleaded the proposed respondent as 12th respondent in TRCMP.No.52/2017 (in CMP.MD.1454/2017);

(iii) Grant an order of mandatory injunction against 12th respondent by cancelling "C" form issued by him for "Sri Meenakshi Theatre and Sri Meenakshi Paradies theatre" Ondimuthu Mestry Street situated at South Veli Street, Madurai Town in S.F.No.271 new T.S.No.20, Door No.20 and 20A pending dispose of the execution petition in EP.No.77 of 2006 on the file of the I Additional Sub Court, Madurai (in CMP.MD.No.1455/2017);

(iv) Modify the order dated 01.03.2017 made in TRCMP.MD.No.52/17 directing the Director, National Institute of Technology, Trichy to appoint a valuer to value the superstructures attached to the property in Madurai Town, South Veli Street, Ondimuthu Maistry Land, Old.S.No.271, New T.S.No.20, Door Nos.193, 16 to 20 and 20(A) (in CMP.MD.No.2877/2017) and

(v) Modify the order dated 01.03.2017 in so far as the consent given by my counsel is concerned and pass such further or other necessary orders as this Hon'ble Court may deem fit and proper in the circumstances of the case (in CMP.MD.No.3065/2017) respectively.

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.GOVINDARAJAN, Advocate for PETITIONER TRCMP.MD.52/17 & CMP.MD.1454, 1455/17 AND 1st RESPONDENT IN CMP.MD.2877, 3065/17, Advocate for the petitioner and of M/S.G.PRABHU RAJADURAI, Advocate for the 1 TO 3 RESPONDENTS IN TRCMP.MD.52/17 & CMP.MD.1454, 1455/17 AND 1 TO 3 PETITIONERS IN CMP.MD.2877/17 AND 2 TO 4 RESPONDENTS IN CMP.MD.3065/17 and of M/S.G.R.SWAMINATHAN, Advocate for the 4th RESPONDENTS IN TRCMP.MD.52/17 & CMP.MD.1454, 1455/17 AND 2nd PETITIONERS IN CMP.MD.2877/17 AND 5th RESPONDENT IN CMP.MD.3065/17 and of M/S.J.ANANDHAVALLI, Advocate for 11th RESPONDENT IN TR CMP.MD.52/17 & CMP.MD.1454, 1455/17 AND 9th RESPONDENT IN CMP.MD.2877/17 AND PETITIONER IN CMP.MD.3065/17 the court made the following order:-

When the matter is argued before this Court, Mr.G.Prabhurajadurai, learned counsel appearing appearing on behalf of respondents 1 to 3 seeks time to file application before the Commissioner, Hindu Religious and Charitable Endowment seeking for relief in respect of the E.P. property.

2.It is also brought to the notice of this Court by Mr.K.Govindarajan, learned counsel for the petitioner and Ms.J.Anandha Valli, learned counsel appearing for 11th respondent that in the application taken out by 11th respondent in E.P.No.77 of 2006 in O.S.No.123 of 1970 on the file of the I Additional

Subordinate Court, Madurai, orders have been reserved on 02.03.2017.

3.Now, since the petitioner intends to give application seeking certain relief with regard to the disputed property, he is at liberty to give the representation/petition to the Trust board as well as the Commissioner, HR & CE.

4.It is also open to the respondents to appear before the learned I Additional Subordinate Court, Madurai and to argue the matter on 23.11.2017 and the learned Judge is directed to pass appropriate orders on or before 30.11.2017.

5.Call the matter "for compliance" before this Court on 11.12.2017 @ 02.15 P.M.

-sd/-
13/11/2017
/ TRUE COPY /

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

TO

THE I ADDITIONAL SUBORDINATE JUDGE,
MADURAI.

C.C. to M/S.J.ANANDHAVALLI, Advocate SR.No.14477

C.C. to M/S.K.GOVINDARAJAN, Advocate on payment of necessary charges

C.C. to M/S.G.PRABHU RAJADURAI, Advocate on payment of necessary charges

C.C. to M/S.G.R.SWAMINATHAN, Advocate on payment of necessary charges

Order
in
TR CMP(MD)No.52 of 2017
and CMP.MD.Nos.1454, 1455, 2877 & 3065 of 2017
Date :13/11/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(05.05.2017)
SDR 15.11.2017(IT)