

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.27299 of 2017
and
WMP.No.29146 of 2017

Subramaniam

... Petitioner

Vs.

1.The Commissioner
HR & CE Department
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
HR & CE Department
Collectorate
Ariyalur, Ariyalur District.

3.The District Collector
Ariyalur District, Ariyalur.

4.The Chief Educational Officer
Ariyalur District, Ariyalur.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 herein from in any manner transferring or conveying the agricultural lands measuring 1.25.00 hectares, comprised in S.No.202/12, Patta No.13, Ayan Thathanur Village, Senthurai Taluk, Ariyalur District gifted by the petitioner's ancestors to the idol of Sri Varatharaja Perumal Temple, Senthurai Village to perform poojas and carry out various pious obligations, in favour of the respondents 1 and 2 or any other authority or organization or person for constructing school building or for any other purpose.

For Petitioner : Mr.P.Mani

For Respondents : Mr.M.Maharaja
Special Government Pleader (HR & CE)
for R1 & R2
Mr.E.Balamurugan
Additional Government Pleader
for R3 & R4

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents 3 and 4. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for the following relief:

Forbearing the respondents 1 and 2 herein from in any manner transferring or conveying the agricultural lands measuring 1.25.00 hectares, comprised in S.No.202/12, Patta No.13, Ayan Thathanur Village, Senthurai Taluk, Ariyalur District gifted by the petitioner's ancestors to the idol of Sri Varatharaja Perumal Temple, Senthurai Village to perform poojas and carry out various pious obligations, in favour of the respondents 1 and 2 or any other authority or organization or person for constructing school building or for any other purpose.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the respondents 3 and 4.

4. The petitioner claims that his ancestors had gifted a land at S.No.202/12, Ayan Thathanur Village, Senthurai Taluk, Ariyalur District, measuring 1.25.00 hectares with Patta No.13 in favour of Sri Varatharaja Perumal Temple, Senthurai Village and the revenue records were also mutated in the name of the said temple. He further claims that with the revenue generated from the said lands, the daily pooja at the said temple are being performed. The present apprehension of the petitioner is that the said land is now sought to be taken away by the respondents 3 and 4 from the temple for the purpose of constructing some school building. Therefore, he approached this Court and filed the present writ petition for the relief, as stated supra.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner cannot have any apprehension or grievance since there is no such proposal, as projected by the petitioner to transfer the above said land to the respondents 3 and 4. He further submitted that if any such proposal is made in future, it is open for the petitioner to make his objections before the concerned authorities and the same will be considered on merits and in accordance with law.

6. Considering the above said submissions made by the learned counsels appearing on either side and the apprehension raised by the petitioner, this Court is of the view that based

on the factual assertion made by the respondents 1 and 2 that no such proposal is pending as on date, the present writ petition can be closed as a pre-matured one. Therefore, this writ petition is closed, however, with liberty to the petitioner to agitate the matter, as and when an occasion arises in future, as discussed supra. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Commissioner
HR & CE Department
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner
HR & CE Department
Collectorate
Ariyalur, Ariyalur District.
- 3.The District Collector
Ariyalur District, Ariyalur.
- 4.The Chief Educational Officer
Ariyalur District, Ariyalur.

+1cc to Mr.P.Mani, Advocate, S.R.No.75355
+1cc to the Government Pleader, S.R.Nos.75741 & 75689

W.P.No.27299 of 2017

NRI (CO)
CA(14/11/2017)

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