



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.23392 to 23398 of 2017
and

W.M.P(MD)Nos.19666 to 19672 of 2017

W.P(MD)No.23392 of 2017:

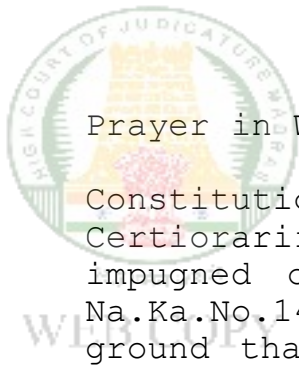
MASILAMANI	...Petitioner in WP(MD). 23392/ 2017
SARAVANAN @ SARAVANAKUMAR	...Petitioner in WP(MD). 23393/ 2017
JEYAPPAUL	...Petitioner in WP(MD). 23394/ 2017
MAHESWARI	...Petitioner in WP(MD). 23395/ 2017
S.DHANDAPANI	...Petitioner in WP(MD). 23396/ 2017
P.DHANDAPANI	...Petitioner in WP(MD). 23397/ 2017
SELVI	...Petitioner in WP(MD). 23398/ 2017

- Vs. -

- 1.The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthaswamy Temple,
North Giriveethi, Palani, Dindigul District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District. .. Respondents in all
W.Ps.

Prayer in WP(MD). 23392/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.1409/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the Respondents and his men or agents not to disturb the Petitioners property till the disposal of the civil suit in O.S.No.142 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District.



Prayer in WP(MD). 23393/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.1410/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the Respondents and his men or agents not to disturb the Petitioners property till the disposal of the civil suit in O.S.No.139 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District.

Prayer in WP(MD). 23394/ 2017 :

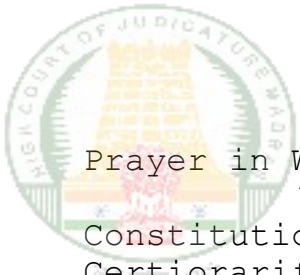
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.1407/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents and his men or agents not to disturb the petitioners property till the disposal of the civil suit in O.S.No.144 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District.

Prayer in WP(MD). 23395/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus or any other appropriate writ, or order, or direction, in the nature of a writ, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.1401/2015/A.3 dt.17/11/2017 quash the same on the ground that the same is arbitrary, illegal and without any legal and consequently forbearing the Respondens and his men or agents not to disturb the petitioners property till the disposal of the civil suit in O.S.No.143 of 2016 on the file of the Learned District Munsif Court, Palani, Dindigul District.

Prayer in WP(MD). 23396/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.1399/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the Respondents and his men or agents not to disturb the Petitioners property till the disposal of the civil suit in O.S.No.145 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District.



Prayer in WP(MD). 23397/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.1405/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the Respondents and his men or agents not to disturb the Petitioners property till the disposal of the civil suit in O.S.No.146 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District.

Prayer in WP(MD). 23398/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate Writ, or order, or direction, in the nature of a Writ, to call for the records pertaining to the impugned order passed by the 2nd Respondent in his proceedings Na.Ka.No.1404/2015/A3 dated 17.11.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the Respondents and his men or agents not to disturb the Petitioners property till the disposal of the civil suit in O.S.No.135 of 2016 pending on the file of the Learned District Munsif Court, Palani, Dindigul District and pass such further or other orders .

For Petitioner in all W.Ps. : Mr.S.Karthik

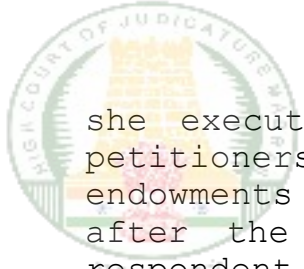
For Respondent No.1 : Mr.K.Govindarajan
in all W.Ps.

For Respondent No.2 : Mr.M.Alagathevan,
in all W.Ps. Special Government Pleader.

COMMON ORDER

These writ petitions are filed seeking a writ of Certiorarified Mandamus, to quash the impugned orders passed by the second respondent, dated 17.11.2017, and also direct the respondents and their subordinates not to disturb the enjoyment of the petitioners' in the properties-in-question, till the disposal of the civil suits filed by them, pending on the file of the District Munsif Court, Palani, Dindigul District.

2.The case of the petitioners is that they are residing in their respective house properties, situate in Survey No.808/1, Palayam, Adivaram, Palani, Dindigul District for more than 150 years and they have been paying the property tax regularly. While so, the first respondent issued notices, dated 25.04.2014, stating that the house properties of the petitioners, belong to one Avaiyammal and



she executed a Will, in respect of the house properties of the petitioners, to create a Trust for the purpose of certain religious endowments of Lord Arulmighu Dhandayuthapani Swamy, Palani, and after the demise of Avaiyammal and another trustee, the first respondent has become the sole trustee of the trust. Against the said orders, the petitioners filed separate civil suits before the District Munsif Court, Palani. During pendency of the same, the second respondent passed the impugned orders, dated 17.11.2017, informing the petitioners that encroachments will be removed with the aidance of police as well as revenue officials. Therefore, the petitioners are before this Court, with the aforesaid prayer.

3. Since the issue involved in all these writ petitions, is one and the same, they are taken up for hearing together and disposed of by this common order.

4. Heard both sides.

5. Though the petitioners initially questioned the title of the temple over the properties in question, now agreed that they are the lawful tenants under Arulmighu Dhandayuthaswamy Temple, Palani, Dindigul District and they are ready to pay the fair rent, as fixed by the temple, from the month of January, 2018 and they have withdrawn the civil suits filed against the respondents before the District Munsif Court, Palani and to that extent, they have filed undertaking affidavits, separately, before this Court.

6. The learned counsel appearing for the petitioners would also submit that the petitioners are inclined to submit applications in the capacity of lawful tenants, before the first respondent.

7. Considering the facts and circumstances of the case and also considering the undertaking affidavits filed by the petitioners, the petitioners are directed to submit applications before the first respondent within a period of two weeks from the date of receipt of a copy of this order and on such filing, the first respondent shall forward the same to the Commissioner, Tamil Nadu Hindu Religious and Charitable Endowment Department, Chennai, who shall consider the same and pass appropriate orders, after affording due opportunity of hearing to the petitioners as well as any of the interested parties, within a period of six weeks, thereafter. It is also directed that status-quo to be maintained till the disposal of the said applications.

8. The writ petitions are disposed of as above. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

/True Copy/



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1.The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthaswamy Temple,
North Giriveethi, Palani, Dindigul District.

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

Copy to:

The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Chennai.

+7 copies to Mr.S.Karthick , Advocate, SR.No.94240

+One cc to Mr.K.Govindarajan, Advocate, SR.No.94429

+One cc to The Special Government Pleader, SR.No.94839

smn
RL/13C/5P/MR/SAR1/9/1/2018

COMMON ORDER MADE IN
W.P (MD) Nos.23392 to 23398 of 2017
and
W.M.P (MD) Nos.19666 to 19672 of 2017

21.12.2017