



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P (MD) No.17785 of 2016andW.M.P (MD) No.12825 of 2016

S.Murugesu Mudaliar,
S/o.M.s.T.Subramaniya Mudaliar,
No.94, Madhankovil Street,
Tirunelveli District,
Rep. By his Power of Attorney,
S.Vallinayagam.

... Petitioner

Vs.

1.The Deputy Commissioner/Executive Officer,
Arulmigu Sankaranarayana Swamy Thirukovil,
Sankarankovil - 627 756,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Sankarankovil Town and Taluk,
Tirunelveli District.

3.The Inspector of Police,
Taluk Police Station,
Sankarankovil,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, their men, agents or claiming anybody under them, interfering with possession and enjoyment of the property belong to the petitioner in the patta land in Survey No.587/2B4B, Kalappakulam Village, Sankarankovil Taluk to an extent of 1 acre covered by patta No.1613, except by due process of law.

For Petitioner
For Respondent No.1

: Mr.G.Sankaran
: Mr.M.P.Senthil

For Respondent Nos.2&3

: Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

This writ petition is filed seeking a Writ of Mandamus, forbearing the respondents from interfering with the possession and enjoyment of the property belonged to the petitioner in the patta land in Survey No.587/2B4B, Kalappakulam Village, Sankarankovil Taluk to an extent of 1 acre covered by patta No.1613, except by due process of law.

2.The petitioner is the power of attorney in respect of the land in Survey No.587/2B4B, Kalappakulam Village, Sankarankovil Taluk to an extent of 1 acre. All the revenue records, adangal register stand in the name of the petitioner. Adjoining to the petitioner's land, there is a land in various survey numbers belonged to the respondent Temple. Since the said lands are encroached by third parties, Writ Petition in W.P(MD)No.9895 of 2005 had been filed by the Temple to forbear the Registration Department from registering the documents in Survey Nos.438/A1, 438/A2, 483, 556, 557 and 572 and corresponding new survey numbers. The said writ petition was ordered on 26.09.2008. Consequently, the respondent Temple has also issued paper publication by referring to the entire lands belonged to the Temple to an extent of 460.96 acres in various survey numbers in Kalappakulam Village. The order passed in the writ petition as well as the subsequent paper publication issued by the respondent temple is confined only to the land belonging to the Temple to an extent of 460.96 acres, whereas the land in Survey No.587/2, later sub-divided into 587/2B4B is not connected to the temple land and the said survey number is not included in the order passed in the Writ Petition. One Daniel, who is working in the first respondent Temple, has made a complaint to the third respondent stating that the land belongs to the petitioner is covered in the orders passed in W.P(MD)No.9895 of 2005. In view of the complaint given by the first respondent Temple, the petitioner was subjected to serious hardships and sufferings at the hands of the officials of the respondent Temple. Hence, the petitioner has filed this Writ Petition.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.The only remedy available to the petitioner is to approach the competent civil Court with regard to the title over the property.

5.In view of the same, this Writ Petition stands disposed of granting liberty to the petitioner to raise all the pleas available in this Writ Petition before the competent civil Court



with regard to the title over the property as and when required.
No costs. Consequently, connected Miscellaneous Petition is
closed.

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/True Copy/

Sd/-

Assistant Registrar(ADII)

Sub-Assistant Registrar

To

1.The Deputy Commissioner/Executive Officer,
Arulmigu Sankaranarayana Swamy Thirukovil,
Sankarankovil - 627 756,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Sankarankovil Town and Taluk,
Tirunelveli District.

3.The Inspector of Police,
Taluk Police Station,
Sankarankovil,
Tirunelveli District.

+One cc to Mr.M.P.Senthil, Advocate, SR.No.80442

ps

RL/5C/3P/KK/SAR1/10/10/2017

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and

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