



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HON'BLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No.1538 of 2011

and

MP (MD) No.1 of 2011

P.Manickam

: Petitioner

-vs-

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy, Trichy District.

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

3.The Executive Officer,
Arulmigu Anjaneyar Temple,
South 4th Street,
Pudukkottai, Pudukkottai District.

4.P.Vairavan

: Respondents

[R4 impleaded as per order, dated
07.08.2017 and made in MP(MD)
No.2 of 2011 in WP(MD)No.1538 of 2011]

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, to direct the 3rd respondent to receive ground rent from the petitioner for T.S.No.4080 in Pudukkottai, Pudukkottai District and consequently, direct him not to receive ground rent from any other person by modifying the property register and demand register of 3rd respondent temple on the basis of the petitioner's representation, dated 04.01.2011 and dispose the same within a stipulated time, according to law.

For Petitioner : No appearance

For R1 and R2 : Mr.G.Muthukannan
Government Advocate

For 3rd Respondent : Mr.N.Balakrishnan

For 4th Respondent : Mr.D.Rameshkumar
for Mr.S.Deenadhayan

**ORDER**

The prayer sought for in this writ petition is to direct the 3rd respondent to consider the representation of the petitioner, dated 04.01.2011.

2.Mr.N.Balakrishnan, learned counsel for the 3rd respondent would submit that the petitioner and the 4th respondent are own brothers and the lands belonging to the 3rd respondent temple was taken on lease by the petitioner and by an unregistered sale deed, he sold the property to the 4th respondent, who in-turn had put up a thatched shed and has been paying rent to the 3rd respondent temple. The learned counsel further submitted that the petitioner has filed a suit against the 3rd respondent in O.S.No.24 of 2011, on the file of the Principal District Munsif, Pudukkottai, on 11.01.2011, but allowed the suit to be dismissed for non-prosecution and thereafter, on 08.02.2011, he has filed the present writ petition.

3.Mr.D.Rameshkumar, learned counsel for the 4th respondent would submit that the writ petition is liable to be dismissed for suppression of materials facts. It is the contention of the 4th respondent that the petitioner has not stated about the suit O.S.No.24 of 2011 in his affidavit.

4.In the light of the above submissions and also considering the facts of this case, this court is of the considered opinion that the petitioner is not entitled to any relief as prayed for in this writ petition.

5.In the result, the writ petition fails and accordingly, the same is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To,

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy, Trichy District.

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

+1cc to Mr.NA.PALANIYANDI Advocate in SR. No. 73368

+1cc to Mr.D.RAMESH KUMAR Advocate in SR. No. 73297

+1cc to Mr.N.BALAKRISHNAN Advocate in SR. No. 73262

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.73454

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