



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIANWrit Petition(MD)No.14037 of 2013
and

M.P(MD)No.1 of 2013 and W.M.P(MD)No.14516 of 2016

Sekaran

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Tirunelveli District.
2. The Revenue Divisional Officer,
RDO Office,
Thenkasi,
Tirunelveli District.
3. The Tahsildar,
Alangulam Taluk,
Tirunelveli District.
4. Somamurthy

... Respondents

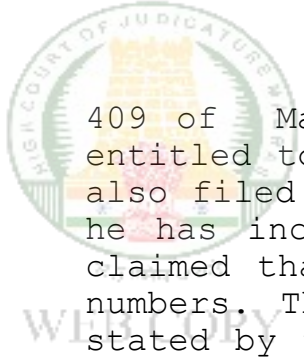
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for records relating to the impugned order dated 18.06.2013 vide Na.Ka.No.A4/6038/2013 issued by the third respondent and quash the same.

For Petitioner	: Mr.P.Thiagarajan
For Respondents 1 to 3	: Mrs.S.Bharathi, Government Advocate.
For 4 th Respondent	: Mr.G.Prabhu Rajadurai for Mr.V.Thirumal

ORDER

Challenging the order of the Tahsildhar, the third respondent herein directing maintenance of status quo in respect of the lands that are in dispute, the petitioner is before this Court.

2. It appears that there is a scramble for possession and title in relation to the land in survey Nos.388/2, 289/2, 390 and



409 of Mailappapuram Village. The petitioner claims that he is entitled to a certain extent of property in the said lands and has also filed a suit for bare injunction in O.S.No.103 of 2013 wherein he has included his lands in Survey Nos.388/2, 389/2 and 390 and claimed that he is in possession of 45 ½ cents in the said survey numbers. The said suit came to be dismissed on 20.02.2017. It is stated by the learned counsel for the petitioner that he has filed an appeal against the said judgment and decree.

3.Be that as it may, Mr.G.Prabhurajadurai, learned counsel for the fourth respondent would contend that the order impugned in the writ petition came to be passed because of the persistent interference by the petitioner in the conduct of the festivals of the temple, which is admittedly situate in S.No.388/2, and the land in S.Nos.389/2, 390 and 409 belonged to the temple and it was being used for the weekly shandy. Now no shandy is being conducted for the past of several years, the land in question is lying vacant and the temple has put up few shops there. Admittedly, the suit filed by the petitioner for injunction has been dismissed and the order impugned has not affected the possession of the petitioner. It only states that the parties shall maintain status quo with reference to the possession.

4.Today, the fourth respondent has filed an affidavit stating that the petitioner has put up a house in an extent of 3 cents of land in S.No.390/1. A plan showing the location of house has also been produced. The house is situate in northern extremity of S.No.390 and it has got separate access through the common panchayat way. The fourth respondent has stated that though it is an illegal structure, while reserving a right for evicting the petitioner under due process known to law, the fourth respondent undertaken that the possession of the petitioner relating to his house in S.No.390/1 will not be disturbed except under due process of law. In view of the fact that the suit filed by the petitioner for injunction has also been dismissed, recording the above statement of the fourth respondent in the affidavit filed today, the writ petition is disposed of directing the parties to maintain status quo with regard to the possession in respect of the remaining extent of land. It is made clear that the fourth respondent or any person claiming on behalf of the temple shall not evict the petitioner except under due process of law from the three cents of land wherein he has been constructed a house. It is also made clear that the petitioner shall not disturb the conduct of any festival in the temple. No costs. Consequently, M.P(MD)No.1 of 2013 and W.M.P (MD)No.14516 of 2016 are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Office of the Collectorate,
Tirunelveli District.

2. The Revenue Divisional Officer,
RDO Office,
Thenkasi,
Tirunelveli District.

3. The Tahsildar,
Alangulam Taluk,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 17022
+ 1 CC TO Mr.P.THIYAGARAJAN, ADVOCATE IN SR No. 16696
+ 1 CC TO Mr.V.THIRUMAL, ADVOCATE IN SR No. 16704

SMS/VSG

TE/SV-MMS : 10/04/2017 : 3P/7C

Writ Petition(MD)No.14037 of 2013 and
M.P(MD)No.1 of 2013 and W.M.P(MD)No.14516 of 2016
22.03.2017