

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10074 of 2018 and
WMP.No.12033 of 2018

Subramaniyan

...Petitioner

Versus

1. The District Collector,
Ariyalur District,
Ariyalur 621 709.
2. The Joint Commissioner,
HR & CE Department, Trichy-6.
3. The Assistant Commissioner,
HR & CE Department,
Ariyalur-621 709,
Ariyalur District.
4. The Inspector,
HR&CE Department,
Ariyalur-621 709,
Ariyalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein from in any manner dispossessing the petitioner from the temple service Inam Land 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 without following the procedures as contemplated under Section 41 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

For Petitioner : Mr.P.Mani

For Respondents: Mrs.P.Rajalakshmi,
Addl. Govt. Pleader
Mr.M.Maharaja,
Spl. Govt. Pleader (HR&CE),
for 2 to 4

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, forbearing the respondents herein from in any manner dispossessing the petitioner from the temple service Inam Land measuring 1.25.00 hectares, comprised in S.No.202/12, Patta No.13, Ayan Thathanur Village, Senthurai Taluk, Ariyalur District.

2. Learned Counsel for the petitioner submitted that the petitioner's ancestors had gifted a land at S.No.202/12, Patta No.13, Ayan Thathanur Village, Senthurai Taluk, Ariyalur District measuring to an extent of 1.25.00 hectares in favour of Sri Varatharaja Perumal Temple, Senthurai Village, Ariyalur District. The revenue records were also mooted in the name of the said temple and from the revenue derived from the said land, the daily poojas of the said temple are being performed. When the petitioner has been doing the daily poojas, he is under a threat of being evicted without following the due process of law.

3. The learned Counsel for the petitioner further submitted that when private persons made an attempt to interfere with the same land-in-question, he has filed a Civil Suit in O.S.No.175/2017 before the District Munsif, Ariyalur seeking permanent injunction which shows that the petitioner has got right over the property. Further in the said suit, the petitioner has filed I.A.No.455 of 2017 for interim injunction and obtained an order of status quo. The said suit is still pending. The learned Counsel for the petitioner also submitted that in the meantime, the respondents are trying to evict the petitioner. Hence the present Writ Petition.

4. Heard Mrs.P.Rajalakshmi, learned Additional Government Pleader for the 1st respondent and Mr.M.Maharaja, learned Special Government Pleader for the respondents 2 to 4.

5. A perusal of the documents filed in support of the Writ Petition shows that the petitioner has already filed W.P.No.27299 of 2017 seeking a similar prayer before this Court and this Court by an order dated 25.10.2017 declined to entertain the said Writ Petition on the ground that there was no such proposal to the respondents to evict him from the land-in-question and the apprehension of the petitioner is without any basis. However, liberty is given to the petitioner to agitate the matter, as and when an occasion arises in future. Even today, the learned Counsel for the petitioner submitted that the petitioner has not made any objection to any authority which shows that the petitioner is attempting to get some order in one way or other.

6. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Ariyalur District,
Ariyalur 621 709.
2. The Joint Commissioner,
HR & CE Department,
Trichy-6.
3. The Assistant Commissioner,
HR & CE Department,
Ariyalur-621 709,
Ariyalur District.
4. The Inspector,
HR&CE Department,
Ariyalur-621 709,
Ariyalur District.

+1cc to Mr.P.Mani, Advocate SR.No.29881
+1cc to Government Pleader SR.No.30365

NA (CO)
GN(15/05/2018)

W.P.No.10074 of 2018

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