

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5124 of 2018
and
WMP.No.6295 of 2018

R.Thangavel
S/o.Late Ramasamy

.. Petitioner

Vs.

The Executive Officer
Arulmighu Soleeswaraswamy Temple
Perundurai
Erode District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 20.02.2017 issued by the respondent herein and to quash the same and consequently, to recognize the petitioner as a lessee to land in Survey No.719/3, Perundurai Village and put him in possession of the same.

For Petitioner: Mr.S.Kaithamalai Kumaran

For Respondent : Mr.M.Maharaja
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner is aggrieved against the order of the respondent dated 20.02.2017, wherein and whereby, he was called upon to vacate and hand over the vacant possession of the subject matter property, by specifically claiming that there is no agreement in existence between the parties and that a hotel which is being run by the petitioner in the subject matter property, causes pollution and disturb the divine atmosphere inside the temple.

2. Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission

stage itself.

3. The petitioner claims that his father was a tenant under the Temple and subsequent to his father's death, the petitioner continued to be in possession and enjoyment of the subject matter premises, by running a small hotel. On the other hand, it is contended by the learned Special Government Pleader for the respondent that after the death of the father of the petitioner, no further lease was entered into between the parties and at any event the petitioner cannot run the hotel, which is situated inside the compound wall, thereby causing severe pollution and disturbances to the public / devotees.

4. It is seen that the petitioner has already approached the Civil Court and filed a suit in OS.No.37 of 2017 for permanent injunction restraining the defendants therein including the respondent herein as the first defendant therein, from disturbing the peaceful possession and enjoyment of the suit property in any manner, till he is evicted by due process of law. Having filed the said suit and admittedly, when the same is still pending, the petitioner has chosen to file the present writ petition challenging the said order. I do not think that the petitioner can resort the same remedy parallelly before two forums. Even otherwise, this Court, is not inclined to entertain this writ petition, based on the above stated facts and circumstances. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

mk

To
The Executive Officer
Arulmighu Soleeswaraswamy Temple
Perundurai, Erode District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.No.17363
+1cc to Special Government Pleader SR.No.17798

W.P.No.5124 of 2018

KGK (CO)
GN(19/03/2018)