

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12861 of 2018

and

W.M.P.No.15113 of 2018

M.Mahalingam

..Petitioner

...Vs...

The Executive Officer,
Arulmigu Abayavaratharajaperumal Temple,
Alangudi, Valangaiman Taluk,
Thiruvarur District

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus restraining the respondent from interfering with the petitioner's peaceful enjoyment and possession of the land comprised in Survey Nos.57/1 & 57/3 measuring to an extent of Acre 1.48 cents situated at Alangudi Village, Valangaiman Taluk, Thiruvarur District except under due process of law.

For Petitioner : Mr.R.Murali

For Respondent : Mr.M.Maharaja,

Special Government Pleader (HR&CE)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus restraining the respondent from interfering with the petitioner's peaceful enjoyment and possession of the land comprised in Survey Nos.57/1 & 57/3 measuring to an extent of Acre 1.48 cents situated at Alangudi Village, Valangaiman Taluk, Thiruvarur District except under due process of law.

2. The petitioner's father one, Marimuthu was cultivating certain lands in Survey Nos.57/1 & 57/3 measuring to an extent of 1.48 cents situated at Alangudi Village, Valangaiman Taluk, Thiruvarur District for more than 50 years and he has been inducted as cultivating tenant. After his death, the petitioner is in possession and enjoyment of the said land. The respondent initiated proceedings under Section 19 (3) of Madras Public Trust Act, 1961 before the Revenue Court, Thiruvarur on 27.10.2015. The petitioner has been paying a sum of Rs.4,200/-

as rent and duly recording the same, the said proceedings was closed. On 12.03.2018, the respondent did not receive the amount of Rs.8,400/- being the rent had directed the petitioner to remit the same to the savings bank account of Arulmigu Abayavaratharajaperumal Temple bearing A/c.No.0680010006617321. He has also paid the same on 13.03.2018. Now the respondent, on 25.03.2018 has sent a legal notice to the petitioner asking him to hand over possession to the respondent in the month of October, 2018, since the petitioner is not paying the rent and the respondent is going to construct a thidal in the said land. Petitioner submits the tenancy Register also reflect the name of the petitioner as cultivating tenant for the said land. Some miscreants claiming themselves as representatives of the respondent had barged into the land and by tress passing are trying to dispossess the petitioner and trying to construct some superstructures in the said land. The respondent has also issued notice to all other persons, who are alleged to be in possession. Proceedings under Section 78 of the Act has been initiated against the said persons also. The petitioner has sent a reply to the notice issued by the respondent. The petitioner has an apprehension that the respondent may dispossess him from the said land. The petitioner seeks a prayer not to dispossess him except under due process of law.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader (HR&CE) for the respondent.

4. This Court directs the respondent to initiate action against the petitioner only as per the Act and Rules under due process of law. The petitioner is also directed to co-operate with the action initiated by the respondent.

5. The petitioner has agreed that he will not resort to any other act of manner, in violating the orders of this Court.

6. The respondent is directed not to harass the petitioner till action taken under due process of law.

7. With the above directions, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

sd/-

Assistant Registrar/
Vacation Officer

//True copy//

Sub Assistant Registrar

lok/pri

To

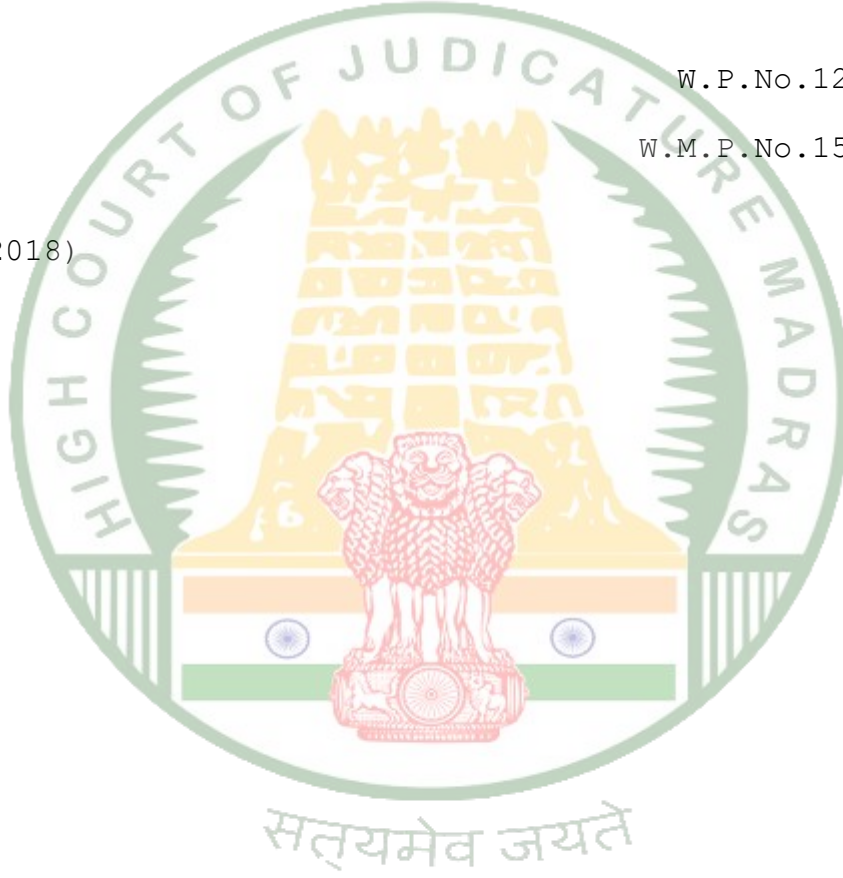
The Executive Officer,
Arulmigu Abayavaratharajaperumal Temple,
Alangudi,
Valangaiman Taluk,
Thiruvarur District.

+lcc to Mr.R.Murali, Advocate SR.No.33981

+lcc to Special Government Pleader(HR & CE) SR.No.34114

W.P.No.12861 of 2018
and
W.M.P.No.15113 of 2018

NA (CO)
GN(30/05/2018)



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