



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11477 of 2019

and

W.M.P. (MD) Nos.8741 and 8742 of 2019

A.S.Gandhimathi

... Petitioner

Vs

The Executive Officer
Sri Maragathalajeswarar Temple
Thiruengoimalam Thottiyam Taluk,
Tiruchirappalli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records culminated in the impugned notice dated 24.12.2018 on the file of the respondent quash the same as illegal, void, ultra vires, without jurisdiction and not in accordance with law and to issue a writ of Mandamus forbearing the respondent from disturbing the peaceful possession and enjoyment of the petitioner in respect of the property comprised in S.F.No.144/5 admeasuring an extent of 4030 square feet situate at except by taking action for eviction under the TamilNadu (Regularization of Administration of Public Trust) Act 57/1961 or in any other manner whatsoever.

For Petitioner : Mr.Shangar Murali
For Respondent : Mr.C.Guhaseela Rupan

ORDER

The petitioner's case is that she is a licensee under the respondent temple in terms of Tamil Nadu Public Trusts (Regulations of Administration of Agricultural lands) Act 57 of 1961. According to the petitioner, if the respondent want to evict the writ petitioner, the respondent has to invoke the provisions of the said Act and the Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowment Act are not available to be invoked. The respondent has called upon the petitioner to vacate the land in question on or before 23.01.2019. In the impugned communication the respondent had made it clear that if the petitioner fails to vacate, action will be taken under Sections 78 and 79 of Tamil Nadu Hindu Religious and Charitable Endowment Act without jurisdiction. According to the learned counsel for the petitioner, such a course of action will be illegal and without jurisdiction.



2.I am of the view that as and when the writ petitioner receives a notice under Section 78 and 79 of the Tamil Nadu HR&CE Act, the petitioner can always question the same. The contention now raised can very well be raised at that stage. This writ petition has been prematurely filed. Therefore, this writ petition is dismissed on that ground.

3.It is made clear that the petitioner's contentions have not been gone into. The petitioner's rights are left open and intact. Since it is not in dispute that the temple has leased out the property in favour of the writ petitioner, the respondent will have to necessarily take recourse to appropriate legal remedies. There cannot be any illegal dispossession of the writ petitioner.

4.Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

TO
The Executive Officer
Sri Maragathalajeswarar Temple
Thiruengoimalam Thottiyam Taluk,
Tiruchirappalli District.

+1cc to Mr.K.S.SHANKAR MURALI, Advocate, SR.No. 64332

+2cc to Mr. C.GUNASEELARUPAN, Advocate, SR.No. 65282

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