



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23832 of 2019

WEB COPY

A.Mohammed Ali

... Petitioner

vs.

1.The Joint Commissioner

Hindu Religious and Charitable Endowments Department,
Thanjavur District.

2.The Executive Officer,

Arulmighu Brahmastia Kandeewarar Swami Temple,
Kandiyur, Thanjavur District.

3.The Tahsildar,

Thiruvaiyaru Taluk, Thanjavur District.

4.K.V.Ramaiyan

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondents 1 and 2 to hear the petitioner's objection before disposing the representation of the 4th respondent dated 18.07.2019, as per the order passed in W.P(MD) No. 20603 of 2019 and further direct the respondents 1 and 2 to consider petitioner's representation dated 29.10.2019 for the change of leasehold right in respect of the shop in Natham S.No.21A/11, Thirukattupalli, Kandiyur Village, Thiruvaiyaru, Thanjavur District, totally measuring about 160 sq.ft.

For Petitioner : Mr.S.Maheswaran

For Respondents : Mr.V.R.Shanmuganathan

Special Government Pleader for R-1

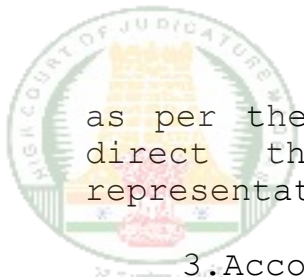
Mr.V.Chandrasekar for R-2

Mr.M.Rajarajan, Government Advocate for R-3

O R D E R

Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice on behalf of the respondent No.1, Mr.V.Chandrasekar, learned counsel takes notice for the respondent No.2, Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondent No.3. In view of the nature of the order going to be passed hereunder, no notice is required to the fourth respondent.

2.This writ petition has been filed for a direction, directing the respondents 1 and 2 to hear the petitioner's objection before disposing the representation of the 4th respondent dated 18.07.2019,



as per the order passed in W.P(MD) No. 20603 of 2019 and further direct the respondents 1 and 2 to consider petitioner's representation dated 29.10.2019.

3.According to the petitioner, the fourth respondent has approached this Court in W.P.(MD).No.20603/2019 for passing of suitable orders by the respondents 1 & 2 on his representation dated 18.07.2019. This Court, on 25.09.2019, directed the respondents to dispose of petitioner's representation within a period of four weeks. Now that, it appears that the respondents 1 & 2 have taken action for resuming the property of the second respondent temple. Aggrieved over the same, the petitioner is before this Court.

4.According to him, the land belongs to the temple, over which the vendor's vendor had put up a superstructure. He claims ownership of the superstructure. Therefore, before taking action, notice should be issued to him.

5.The learned counsel appearing for the second respondent would draw the attention of this Court to the sale deed dated 09.04.2008, executed by one A.Mohammed Rafiq in favour of the petitioner vide registered document No.555/2008. In the sale deed, it is mentioned that the property absolutely belongs to one A.Mohammed Rafiq. The land and superstructure of schedule mentioned property were conveyed to the petitioner. According to him, such an act is nothing but 'land grabbing'.

6.Considering the above submissions, a direction is issued to the first and second respondents to take appropriate action, as directed by this Court in W.P.(MD).No.20603/2019, after giving notice to the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order.

7.Accordingly, the writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

vs

To

1.The Joint Commissioner

Hindu Religious and Charitable Endowments Department,
Thanjavur District.



2.The Executive Officer,
Arulmighu Brahmastia Kandeewarar Swami Temple,
Kandiyur, Thanjavur District.

3.The Tahsildar,
Thiruvaiyaru Taluk, Thanjavur District.

+1CC TO MR.R.MAHESWARAN, Advocate Sr. No.97673

+1CC TO MR.V.CHANDRASEKAR, Advocate Sr. No.97539

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 98429

W.P. (MD) No.23832 of 2019

SCR(CO)

TR(22.11.2019) 3P 7C