

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.5030 of 2020
and
W.M.P.No.5942 of 2020

N.V.Chennan

... Petitioner

..Vs..

- 1.The Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Chennai-34.
- 2.The Joint Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Salem-1.
- 3.The Assistant Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Dharmapuri District.
- 4.The Fit Person/Executive Officer,
Arulmighu Vadakkumalayan and,
mariamman Temple,
Nadupatti, Papiranpatti Taluk,
Dharmapuri District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, for bearing the respondents not to appoint the any new trustee in Arulmighu Vadakkumalayan and Mariamman Temple, Nadupatti Village, Papiranpatti Taluk, Dharmapuri District and not to disturb the petitioner peaceful possession enjoyment of property Survey Nos.10/10, 11/1, 11/2 situated at Nadupatti Village, Papiranpatti Taluk.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents: Mr.M.Karthikeyan

Special Government Pleader

ORDER

Mr.M.Karthikeyan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, forbearing the respondents not to appoint any new trustee in Arulmighu Vadakkumalayan and Mariamman Temple, Nadupatti Village, Papiranpatti Taluk, Dharmapuri District and not to disturb the petitioner's peaceful possession and enjoyment of property Survey Nos.10/10, 11/1, 11/2 situated at Nadupatti Village, Papiranpatti Taluk.

3. It is stated that the petitioner had filed an appeal before the first respondent and the first respondent remanded back the matter to the second respondent. The matter is now pending before the second respondent. During the pendency of the above proceedings, the second respondent disturbed the petitioner and also tried to appoint a new Trustee.

4.The writ petition has actually been filed not to appoint any new trustee and further, not to disturb the petitioner's peaceful possession and enjoyment of property Survey Nos.10/10, 11/1 and 11/2 situated at Nadupatti Village.

5.The learned counsel for the respondent states that the petitioner is blocking right of way to the other lands.

6.Heard both sides and perused the materials available on record.

7. Without expressing any opinion on the merits of the case, this Court, in view of conflicting facts cannot grant any relief as sought for in the present writ petition. However, liberty is given to the petitioner to approach the Civil Court raising all issues.

With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta

To

1.The Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Chennai-34.

2.The Joint Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Salem-1.

3.The Assistant Commissioner,
Hindhu Religious and Charitable,
Endowment Department,
Dharmapuri District.

4.The Fit Person/Executive Officer,
Arulmighu Vadakkumalayan and,
mariamman Temple,
Nadupatti, Papiranpatti Taluk,
Dharmapuri District.

+1cc to Mr.B.Sundara Pandiyan, Sr.No.17020

+1cc to Special Government Pleader, Sr.No.18430

W.P.No.5030 of 2020

NR(CO)
GS(09/06/2020)

सत्यमेव जयते

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