



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.351 of 2021

Sri Manavala Mamunigal Trust
represented by its President
Mr.O.T.S.Ethirajalu Choudri
S/o.O.T.Seenivasan
Thiruthangal

Residing at
No.2/73-2, Naduthuru
Meesalur Post
Virudhunagar-626 023
Virudhunagar District

... Petitioner

-vs-

1.The Commissioner
Hindu Religious and Charitable
Endowment Department
No.119, Uthamar Gandhi Road
Nungambakkam, Chennai-34

2.The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Sivagangai, Sivagangai District

3.The Executive Officer
Sri Nindra Narayana Perumal Temple
Thiruthangal, Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st and 2nd respondents to remove the encroachment over the Sri Manavala Mamunigal Trust property consisting of Door No.48, 49 and 50 in Survey No.1204 situated at Agrahara Street, Thiruthangal Town,



Sivakasi Taluk, Virudhunagar District, made by the third respondent by considering petitioner's representation dated 11.11.2020.

For Petitioner :Mr.Ramasamy.S.

For Respondents :Mr.K.P.Narayana Kumar
Special Government Pleader for R1 & R2
Mr.P.Mahendran
Standing Counsel for R3

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This writ petition seeks for a direction upon the respondents 1 and 2 to remove the encroachments made over Sri Manavala Mamunigal Trust's property bearing Door Nos.48, 49 and 50, comprised in Survey No.1204, situated at Agrahara Street, Thiruthangal Town, Sivakasi Taluk, Virudhunagar District, by the third respondent, by considering petitioner's representation dated 11.11.2020.

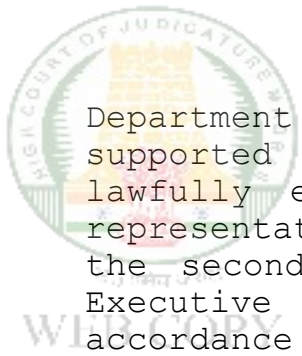
2. The petitioner - Trust claims that the property in question is a Trust property and the Executive Officer of Sri Nindra Narayana Perumal Temple, Thiruthangal, Virudhunagar District / third respondent has put up fencing around the property and put some flower pots. The learned counsel for the petitioner referred to certain communications between the then Executive Officer of the Temple and the Trust asking them to demolish the existing dilapidated construction by themselves or handover the same to the Temple Authorities. This, according to the learned counsel for the petitioner, would amount to recognizing the petitioner's entitlement to the property in question.

3. We have heard Mr.P.Mahendran, learned Standing Counsel for the third respondent, who has filed a detailed counter affidavit and photographs.

4. The property in question is adjacent to the Temple and from the records placed before this Court, we find that there is no document of title vesting the property in question in favour of the petitioner - Trust. That apart, in the revenue records, the property in question continues to remain in the name of the Temple. Therefore, if at all the petitioner claims any right over the property in question, he has to establish the same in the manner known to law and not by way of a writ of mandamus. Hence, the prayer sought for in this writ petition is dismissed.

5. However, it will be open to the petitioner to approach the Joint Commissioner, Hindu Religious and Charitable Endowment

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Department / second respondent herein with a representation duly supported by documents showing that the property in question was lawfully entrusted with the petitioner - Trust and if such a representation is given with adequate documentary proof, then alone, the second respondent shall consider the same after hearing the Executive Officer of the Temple and pass orders on merits and in accordance with law.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai, Sivagangai District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-15942[F] dated 16/04/2021)

+1 CC to M/s.SPL GP (SR-16307[F] dated 17/04/2021)

**W.P. (MD) No.351 of 2021
15.04.2021**