



WEB COPY

W.P. (MD) No.1936 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.1936 of 2021

and

W.M.P. (MD) No.1653 of 2021

M.Palaniappan

: Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

3.The Revenue Inspector,
Nambivayal Division,
Pattukottai Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration to declare the invocation of eviction action under the Tamil Nadu Land Encroachment Act, 1905, against the agriculturalist / tenants under the petitioner Temple in respect of the lands of the petitioner Temple in S.No.142, Karampayam Village, Pattukottai Taluk, Thanjavur District to be illegal and consequently, forbear the respondents from in any way evicting the petitioner or their tenants from the said lands.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

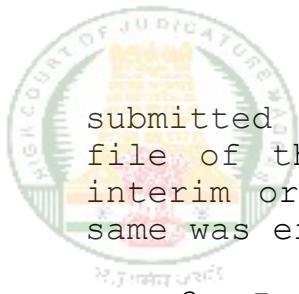
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The writ petition has been filed by the petitioner, claiming to be the Hereditary Trustee / Administrator of the Temple, challenging the show cause notice issued for eviction.

2. The learned Senior Counsel appearing for the petitioner
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submitted that though a comprehensive suit has been filed on the file of the Sub Court, Pattukottai, in O.S.No.30 of 2020 and an interim order was obtained in I.A.Nos.149 & 150 of 2020, but, the same was erroneously vacated by the Sub Court.

3. Inasmuch as a judicial order has been passed, we are not inclined to entertain the writ petition. However, we may add that on a perusal of the order passed by the Sub Court, Pattukottai, in I.A.Nos.149 & 150 of 2020, dated 12.10.2020, the basic parameter required for passing an order in the interlocutory application has not been complied with. We do not wish to say anything beyond this, except by giving liberty to the petitioner to challenge the said order in the manner known to law.

4. We make it clear that we have not expressed anything on the merits of the case, but, only a *prima facie* view on the manner in which the judicial order was passed. Therefore, the forum concerned will have to decide the matter on its own merits, without being influenced by this order in any manner.

5. In view of the aforesaid discussion, we are inclined to grant an order of *status-quo*, as an date, which shall be maintained for a period of four weeks from the date of receipt of a copy of this order.

6. In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The District Collector,Thanjavur District,Thanjavur.

2.The Tahsildar,Pattukottai Taluk,Thanjavur District.

3.The Revenue Inspector,Nambivayal Division,
Pattukottai Taluk,Thanjavur District.

+1 CC to M/s.GP (SR-3495[F] dated 05/02/2021)

+1 CC to M/s.AJMAL ASSOCIATES,Advocate (SR-3899[F] dated 09/02/2021)

W.P. (MD) No.1936 of 2021

04.02.2021

(PM) CO

AP(18/02/2021) 2P 6C

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