



WEB COPY

W.P.(MD)No.17517 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.17517 of 2021

and

W.M.P. (MD) No.14359 of 2021

N.Nachiappan @ Ramesh

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.

2.The Inspector,
Hindu Religious and Charitable Endowment Board,
Thirupattur,
Sivagangai District.

3.The Tahsildhar,
Thirupattur Taluk,
Sivagangai District.

4.The Trustee,
Arulmigu Balaganapathy Vinayagar Temple,
P.Karungulam Village,
Thirupattur Taluk,
Sivagangai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records relating to the impugned order dated 11.09.2021 issued by the second respondent and quash the same.

For Petitioner : Mr.R.Balakrishnan

For Respondents 1 to 3 : Mr.B.Saravanan
Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the second respondent Inspector has purported to issue a notice dated September 11, 2021, pertaining a temple property but seeking to prejudice the petitioner's right to property at survey No.105/2B in Karungulam Village, Pattanangalam West, Thirupathur Taluk, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.A copy of the notice has been appended to the papers relied upon by the petitioner. The said notice of September 11, 2021, clearly refers to the area of the land and the survey number indicated is 105/6. As such, since the petitioner cannot assert any right in respect of such land which has been described in the notice, the writ petition appears to be misconceived.

3.The further ground raised by the writ petitioner is that in the name of the relevant temple being entitled to the land at survey No.105/6, the second respondent is purporting to encroach into the contiguous land owned by the petitioner.

4.There can be no basis to the petitioner's grievance in such regard. The notice issued only covers land bearing survey No.105/6 and, thus, the efforts of the concerned Inspector will be confined to such land.

5.W.P(MD)No.17517 of 2021 is disposed of.

There will be no order as to costs. Consequently, W.M.P.(MD) No.14359 of 2021 is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/RM

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.

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.

2.The Inspector,
Hindu Religious and Charitable Endowment Board,
Thirupattur,
Sivagangai District.



3.The Tahsildhar,
Thirupattur Taluk,
Sivagangai District.

4.The Trustee,
Arulmigu Balaganapathy Vinayagar Temple,
P.Karungulam Village,
Thirupattur Taluk,
Sivagangai.

+1 CC to M/s.R.BALAKRISHNAN, Advocate(SR-30439[F] dated
28/09/2021)

W.P. (MD) No.17517 of 2021
27.09.2021

MGJ(08.10.2021) 3P 6C