



WEB COPY



W.P.No.43664 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.43664 of 2016

Susheela

... Petitioner

VS.

1.The Inspector of Police (Law & Order)

Nagapattinam Town Police Station,
Nagapattinam.

2.The Superintendent of Police

Nagapattinam District.
Nagapattinam.

3.The Commissioner

Hindu Religious and Charitable
Endowments Department
Nungambakkam, Chennai – 600 034.

4.V.K.N.M.Thiagarajan

S/o. Muthukumarasamy Pillai
Keelaveethi Nagapattinam Town
C/o Arulmighu Nellukadai Mariamman Temple
(Hereditary Trustee), Nagapattinam.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 08.09.2016 for the enquiry to



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be conducted against the 4th respondent with the assistance of the 1st and 2nd respondents with regard to ownership of land measuring an extent of 486 sq.ft comprised in Survey No.887 of Nagapattinam Village, Taluk and District in accordance with law and file a report before this Court within a time that may be fixed by this Court.

For Petitioner : Mr.P.Ayyaswamy

For Respondents : Mrs.V.Yamunadevi,
Special Government Pleader for R1&2

Mr.K.Karthikeyan,
Government Advocate (HR & CE) for R3

Mr.M.K.Subramanian for R4

ORDER

The prayer in the writ petition reads as follows:-

“To direct the 3rd respondent to consider the petitioner's representation dated 08.09.2016 for the enquiry to be conducted against the 4th respondent with the assistance of the 1st and 2nd respondents with regard to ownership of land measuring an extent of 486 sq.ft comprised in Survey No.887 of Nagapattinam Village, Taluk and District in accordance with law and file a report before this Court within a time that may be fixed by this Court.”



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2. Evidently the petitioner is seeking a decree for permanent injunction under Article 226 of the Constitution of India. Such a prayer cannot be granted. Apart from the above, the learned counsel for the 4th respondent would submit that the 4th respondent had in fact filed a suit in O.S.No.280 of 2003 on the file of the District Munsif, Myiladuthurai and pursuant to the decree that was granted in the said suit, confirmed up to the second appeal in S.A.No.473 of 2007, the 4th respondent as a Trustee of the Temple had filed an execution petition and had taken possession of the property.

3. Recording the same, this writ petition is dismissed. No costs.

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dsa

Index: No

Internet: Yes

Speaking order

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To

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R.SUBRAMANIAN, J.

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