



W.P.No.8741 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2022

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.8741 of 2017 and
WMP No.9590 of 2017

R. Nagarajan

... Petitioner

Vs.

1. The District Collector,
Collectorate, Tiruppur District.

2. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

3. The Thasildar, Avinashi,
Tiruppur District.

4. The Executive Officer, Avinashi Lingeswarar Temple,
Avinashi, Tiruppur District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records in respect of the impugned reply issued in Oo.Mu.6155/2016/A1 dated 20.12.2016 by the third respondent and to quash the same and direct the respondents to return is serial lighting setx. Design Boards and two Gen sets with particulars Mic.No.97E350000-83, Frame: CM 2004, KVA:50, Sr.No.06-1001/9757, Engine Type: HA694 and Mic No.98E 31250-34, Frame CM 2253, KVA:63, Sr.No.06.1429/97512, Engine Type: HA694TC respectively installed in the said Two Marriage Halls to



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him thus permitting him to take away the same from the said two marriage halls by considering his detailed second representation dated 27.03.2017.

For Petitioner : Mr.T.M.Karthikeyan

For Respondents : Mr.D.Gopal, Govt.Advocate
for R1 to R3
Mr.S.Prabhu, for R4.

ORDER

This writ petition has been filed to quash the impugned reply issued in Oo.Mu.6155/2016/A1 dated 20.12.2016 by the third respondent and consequently, direct the respondents to return the petitioner's serial lighting sets. Design Boards and two Gen sets installed in the Two Marriage Halls to the petitioner and to permit him to take away the same from the said two marriage halls by considering his detailed second representation dated 27.03.2017.

2. The case of the petitioner is that, he is running a business of renting out Design Boards, Serial sets, Lights, Sound Systems and Gen sets for marriages and other functions. During the course of business, on 25.10.2016, he rented out and installed serial lighting sets,



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Design Boards and two Gen Sets for the marriage, that had taken place in two marriage halls namely Sri Avinashiappa Thirumana Mandapam and Sri Karunabligha Thirumana Mandapam situated at Avinashi Main Road. In such circumstances, on 26.10.20016, the above said two Marriage Halls were locked and sealed in the presence of Thasildar, Tiruppur, since there was a dispute between two groups of people, which created law and order problem. Therefore, the petitioner gave a representation to the second respondent to return the said two Gen sets and other movable properties to him, but the Tahsildar has rejected the same, vide impugned reply dated 20.12.2016. The petitioner has also sent another detailed representation dated 27.03.2017 to deliver the above items to him. However, no action was taken by the authorities concerned. Hence the writ petition.

3. The fourth respondent filed a counter affidavit, wherein, it is stated as follows.

A civil dispute is pending between the Kadambadi Inoorthy Vagai Kongu Chettiyar Dharma Paribalana Sabai (hereinafter, referred to as " Sabai") and the District Administration and Shre Avinashi Ligeshwarar Temple (herein after referred to as " Temple") and the



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above said Sabai filed a suit in O.S.No.311/2011 before the District Munsif, Avinashi, against the Temple. The above said suit was dismissed, against which, the Sabai filed an Appeal in A.S.No.1/2015, which was also dismissed on 11.01.2017 by the Subordinate Judge, Avinashi. Now Second Appeal in S.A.No.310/2017 is pending before this Court. According to the fourth respondent, the Mandabams are belonging to the Temple and the petitioner has filed the present petition, at the instigation of Sabai, in order to open the Mandamas.

4. The Tahsildar, Avinashi, filed a report dated 11.11.2022 before this Court, stating that, originally, there was a vacant land, inside the Temple, wherein, a particular community had constructed Mandabams. Subsequently, with regard to the title and right of the land, dispute arose between the Temple and the Sabai, which creates\ Law and Order Problem and to control the same, the Mandabams were sealed and is kept under lock from the year 2016.

5. The learned Government Advocate submitted that the main contention of the petitioner is that, he had let out the two Gen sets and other Sound and Lighting sets, while the Mandabam were sealed.



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Therefore, if the petitioner produces the original records before the Revenue Divisional Officer, Tiruppur, to prove his ownership of the Gen sets and other things, the same will be released and handed over to him.

6. At this juncture, the learned counsel for the fourth respondent submitted that, at the time of releasing the Gen Sets and other things, the fourth respondent may also be heard by the second respondent.

7. Heard the learned counsel appearing on either side and I have perused the materials on record.

8. It is an admitted fact that, with regard to the ownership of the land, dispute is pending between the Temple and Sabai in S.A.No.310/2017 before this Court. The main contention of the petitioner is that, he let out two Gen Sets and other Sound and Light Sets for marriage and the same were kept inside, while the Mandabams were sealed by the authorities. Therefore, the petitioner seeks to direct the authorities concerned to release the above items, as stated in the affidavit.

9. The issue with regard to the right and title over the property



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is pending before this Court. The fourth respondent prays that, he may also be heard at the time of releasing the movable properties. But, the present writ petition is only with regard to the releasing of two Gen Sets, Sound and Lighting Sets, stated to have been let out on rental basis by the petitioner to the third party, while locking the Mandabams, and not with regard to the title of the property.

10. Such view of the matter, it is ordered as follows,

i) The petitioner is directed to produce necessary documents to prove his ownership of the two Gen Sets and other things to the Revenue Divisional Officer, Tiruppur.

ii) On such production and after verifying the same, the second respondent is directed to de-seal the Mandabams, only for the purpose of removing such two Gen sets and other things and return the same to the petitioner. After that, Mandams shall be locked and kept under lock and seal.

iii) The above exercise shall be done in the presence of the fourth respondent, within a period of two months from the date of receipt of a copy of this order.

11. With the above directions, this writ petition is disposed of.



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No costs. Consequently, connected writ miscellaneous petition is closed.

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To

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2. The Revenue Divisional Officer,
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N. SATHISH KUMAR, J.,
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