



W.P(MD)Nos.9323 & 9324 of 2009

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)Nos.9323 & 9324 of 2009

and

M.P(MD)Nos.1,1,2 & 2 of 2009

W.P(MD)No.9323 of 2009:

K.A.Shanmugavel

... Petitioner

Vs.

1.The Commissioner,
H.R & C.E Department,
Nungambakkam High Road,
Chennai-34.

2.The Joint Commissioner,
H.R & C.E Department,
Palayamkottai,
Tirunelveli District.

3.The Executive Officer,
A/M.Thirupuranthireswarar Thirukkoil,
Palayamkottai,
Tirunelveli.

4.K.A.Murugappan

5.M.Kumudavalli (Died)

6.S.S.Visalakshiammal



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7.K.A.Velappan

8.V.Muthu Veerappan (Died)

9.M.Saraswathi

10.M.Thiyalnayaki

11.M.Subha

12.M.Sendhilnathan

... Respondents

*(R8 to R12 are substituted vide Court order,
dated 07.03.2019 in M.P(MD)No.1 of 2013)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 2nd respondent dated 04/05/2009 in Na.Ka.No.4189/08-1, @3 and quash the same and consequently forbearing the respondents 1 to 3 from interfering with the right of the petitioner to perform the Kattalai and administer the Kattalai properties attached to A/M Thirupuranthireeswarar Thirukkoil, Palayamkottai, Tirunelveli district, as hereditary trustees.

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K.A.Shanmugavel

... Petitioner

Vs.

1.The Commissioner,
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Chennai-34.



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2.The Joint Commissioner,
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Tirunelveli District.

3.The Executive Officer,
A/M.Thirukkuttralanathar Thirukkoil,
Courtallam,,
Tenkasi Taluk,
Tirunelveli District.

4.K.A.Murugappan

5.M.Kumudavalli (Died)

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... Respondents

*(R8 to R12 are substituted vide Court order,
dated 07.03.2019 in M.P(MD)No.1 of 2013)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 2nd respondent dated 04/05/2009 in Na.Ka.No.4189/08-2, @3 and quash the same and



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consequently forbearing the respondents 1 to 3 from interfering with the right of the petitioner to perform the Kattalai and administer the Kattalai properties attached to A/M Thirukutralanathar Temple, Courtallam, Tenkasi Taluk, Tirunelveli District, as hereditary trustees.

For Petitioner : Mr.S.A.Ganapathi Raman
(In both cases)
For R1 & R2 : Mr.R.Ragavendran
Standing Counsel
(In both cases)
For R3 : Mr.S.Manohar
(In both cases)
For R4,R9 - R12 : No Appearance
(In both cases)

COMMON ORDER

The present writ petitions have been filed challenging the order passed by the 2nd respondent/Joint Commissioner, directing the 3rd respondent to take over the Kattalai lands endowed and perform the Kattalai as per the wishes of the Kattalaidhar. The said order has been passed as the petitioner and the private respondents failed to appear for hearing on 26.11.2008, 30.01.2009 and 23.03.2009. The 3rd respondent, by further communication, dated 09.06.2009, had called upon the



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petitioner to hand over the lands as there were objections by the Kattalaidhars. Thereafter, they have moved this Court by filing the instant writ petitions. An interim order has been granted as early as on 18.09.2009 and the same has been continued by further orders. It is also admitted by the 3rd respondent that the possession of the lands is with the private parties.

2. The learned counsel for the petitioner would submit that the petitioner and the respondents 4,6,7, 9 to 12 are undertaking to attend an enquiry before the 2nd respondent.

3. In the light of the aforesaid undertaking, I direct the petitioner and the respondents 4,6,7, 9 to 12 to appear before the 2nd respondent either in person or through their authorized representatives on 26.12.2022. The 2nd respondent is directed to hear the objections of the petitioner and the respondents 4,6,7, 9 to 12 and pass appropriate orders on merits and in accordance with law. It is open to the respondents 1 to 3 to act in accordance with the orders that will be passed by the 2nd respondent. Till such time, status quo shall be maintained.



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4. With the above said directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2022

Index : Yes / No
Internet : Yes / No

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To

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- 2.The Joint Commissioner,
H.R & C.E Department,
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K.KUMARESH BABU,J.

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Order made in
W.P(MD)Nos.9323 & 9324 of 2009

Dated:
16.12.2022