



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.2578 of 2022

and

W.M.P. (MD) Nos.2276 and 2277 of 2022

WEB COPY

- 1.D.Karthick
- 2.Sivakumar
- 3.Murugan
- 4.K.Vasanth
- 5.B.Hema
- 6.G.Pandidurai

... Petitioners

/vs./

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.
- 3.Executive Officer/Deputy Commissioner,
Arulmigu Subramania Swamy Temple,
Thirupparankundaram, Madurai.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

- 5.K.V.Lakshmiammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the impugned proceedings of the 4th respondent herein in his proceedings in Na.Ka.No.2348/2007-1 AA1 dated 28.01.2022 affixed in the premises on 04.02.2022 and quash the same as illegal and further direct the 1 to 4 Respondents herein take appropriate action in accordance with law by following the principals of natural of justice within in a time stipulated by this Court.

For Petitioners	: Mr.D.Nallathambi
For R1, R2 & R4	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.V.R.Shanmuganathan
For R5	: Mr.Athimoola Pandian



ORDER

The petitioners are the tenants of the property, which allegedly belongs to the 3rd respondent and in respect of which there is a title dispute. The impugned eviction notice dated 28.01.2022 was issued to the 5th respondent. The 5th respondent herein claims to be the owner of the property, who has rented to the petitioners. It is submitted that W.P.(MD) No.851 of 2022 filed by the 5th respondent was dismissed by this Court, vide order dated 19.01.2022.

2.It is further submitted that the 5th respondent herein had filed W.A.(MD) No.60 of 2022 before the Division Bench of this Court against the order dated 19.01.2022. An order of interim was passed in C.M.P(MD)No.802 of 2022 in W.A(MD)No.60 of 2022. The relevant portion from the stay reads as under:-

"7.Learned senior advocate for the appellant has made serious grievance that, today only the authorities are standing on the site to dispossess the appellant. In view of this, it is ordered that no coercive action be taken against the appellant for a period of two months. This order is passed in presence of the learned advocates for the respondents. The same be communicated by them to the concerned authorities. Over and above this, private notice is also permitted. It would be open to serve the respondents by Registered Post."

3.The learned counsel for the respondents 3 and 5 confirms the same.

4.Considering the interim order dated 07.02.2022 in C.M.P(MD) No.802 of 2022 in W.A(MD) No.60 of 2022 and since the petitioners' right is subject to the right of the 5th respondent, this writ petition is disposed of by observing that the rights of the petitioners in this writ petition will be subject to the final outcome of the order to be passed in W.A(MD)No.60 of 2022 r/w the order passed in C.M.P(MD)No.802 of in W.A.(MD) No.60 of 2022 dated 07.02.2022.

5.In case, adverse orders are passed against the 5th respondent herein in W.A.(MD) No.60 of 2022, the 3rd respondent is at liberty to proceed against the petitioners in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment, Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-4821[F] dated 08/02/2022)

+1 CC to M/s.SPL.GP (SR-5014[F] dated 09/02/2022)

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RS (CO)

GC(28.02.2022) 3P 6C