



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.15545 of 2019

and

W.M.P. (MD) No.12198 of 2019

P.Arumugam

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Chennai-34.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowment Department,
Tiruchirappalli District,
Tiruchirappalli -5.
- 3.The Executive Officer,
Arulmigu Eagambareswarar Temple,
Kannanur,
Thuraiyur Taluk,
Tiruchirappalli District.
- 4.The Sub Collector (Special),
Revenue Court,
Lalgudi,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd and 3rd respondents from interfering with petitioner's possessions and enjoyment of the land, in the capacity of cultivating tenant, in Survey No.483 to the extent of 2 Acres and 54 Cents belongs to Arulmigu Eagambareswarar Temple, Kannanur, Thuraiyur Taluk, Tiruchirappalli District.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R1, R2 & R4	: Mr.P.T.Thiraviam
	Government Advocate
For R3	: Mr.V.Chandrasekar



ORDER

This writ petition has been filed for a Mandamus to forbear the respondents 2 and 3 from interfering with the petitioner's possession and enjoyment of the land in S.No.483, measuring an extent of 2 acres and 54 cents belongs to Arulmigu Eagambareswarar Temple, Kannanur, Thuraiyur Taluk, Tiruchirappalli District.

2.The learned counsel for the petitioner submits that the petitioner's father, late.Periyasamy, who died on 06.05.2019, was the tenant of the 3rd respondent and after his death, the petitioner has been in possession and cultivating the land.

3.The learned counsel for the petitioner further submits that the petitioner fell in arrears and therefore, the proceedings were taken under the provisions of the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, 1961. It is submitted that the orders were also passed on 15.03.2016, wherein it was confirmed that the petitioner was in arrears of 12 Kalams, which is almost equivalent to 6 bags of paddy. During the interregnum, the petitioner has filed this writ petition and obtained an interim order. The petitioner was directed to pay the arrears as on date, which the petitioner has paid.

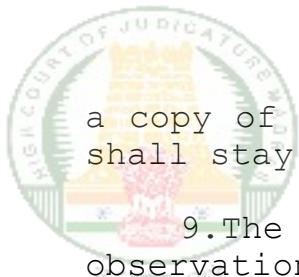
4.The learned counsel for the 3rd respondent temple also confirms that the arrears that were due at the time of filing of the writ petition has now been cleared. However, subsequent arrears have not been paid.

5.The learned counsel for the petitioner submits that in view of the pendency of the present writ petition, the respondent temple has refused to receive the rent for the period during the pendency of the present writ petition.

6.The learned counsel for the respondent temple, on instructions, submits that as on date the petitioner is in arrears of 101.75 Quintals of paddy, which approximately translates to Rs.2,07,326/-. The learned counsel for the respondent temple further submits that if the petitioner pays the aforesaid amount and settles the interse dispute among the family members, the possession will not be disturbed.

7.The learned counsel for the petitioner submits that there is no dispute among the family members. It is further submitted that the petitioner's family members would pay the amount as stated by the respondent temple within a period of 60 days.

8.Under these circumstances, this writ petition is disposed of by directing the petitioner to pay the aforesaid amount in two equal installments within a period of 60 days from the date of receipt of



a copy of this order. If such amount is paid, the respondent temple shall stay all the recovery proceedings.

9.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Chennai-34.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowment Department,
Tiruchirappalli District,
Tiruchirappalli -5.
- 3.The Sub Collector (Special),
Revenue Court,
Lalgudi,
Tiruchirappalli District.

+1 CC to M/s.SPL.G.P (SR-17573[F] dated 08/04/2022)

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-17708[F] dated 11/04/2022)

+1 CC to M/s.V.CHANDRASEKAR, Advocate (SR-10745[F] dated 09/03/2022)

W.P. (MD) No.15545 of 2019
07.04.2022

VR (CO)
RK (22/04/2022) 3P 7C