



W.P(MD).No.19956 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.19956 of 2022

and

W.M.P.(MD).No.14526 of 2022

M.Chellapandi

... Petitioner

Vs.

- 1.The Commissioner,
The Department of Hindu Religious and Charitable Endowment Board,
Chennai.
- 2.The Deputy Commissioner,
The Department of Hindu religious and Charitable Endowment Board,
Ellis Nagar,
Madurai.
- 3.The Assistant Commissioner/Executive Officer,
Arulmigu Pandimuneeswarar Kovil,
Melamadaï,
Madurai.
- 4.The Managing Hereditary Trustee,
Arulmigu Pandimuneeswarar Kovil,
Melamadaï,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, forbearing the fourth



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respondent from anyway interfering with the day to day activities of the petitioner of running a Pooja Article shop at fourth respondents Temple based on representation dated 19.08.2022.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.M.Lingadurai
1 to 3 Special Government Pleader

For 4th Respondent: Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

This Writ Petition has been filled forbearing the fourth respondent from anyway interfering with the day to day activities of the petitioner of running a Pooja Article shop at fourth respondent's Temple based on representation dated 19.08.2022.

2.Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 1 and 2 and Mr.V.R.Shanmuganahtan, learned Standing Counsel takes notice for the third respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner had sent a representations on 20.12.2018 and 19.08.2022 to the



respondents 1 and 4. He further submitted that the petitioner is running a Pooja Article Shop inside the fourth respondent's temple. There were some obstructions, for which, he filed a civil suit in O.S.No.94 of 1994 before the District Munsif court, Melur, seeking for permanent injunction. Thereafter, he had obtained decree in his favour on 12.09.1995 and he had been carrying on with his business. Thereafter, the fourth respondent without any notice trying to evict the petitioner from the place. Hence, he sent representation to the fourth respondent on 19.08.2022 not to disturb and force the petitioner to vacate the shop. Since no steps taken, the present Writ Petition has been filed.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that now the petitioner vacated, the shop demolished and as on date, there is no shop of the petitioner inside the temple. Further, in that place, temple has proposed to put up a hall for ear piercing and other functions and the Commissioner has issued proceedings in SE.Mu.Nada.Na.Ka.No.13870/2022/Q5, dated 07.04.2022, granting permission for the same.

5.The learned Standing Counsel appearing for the third respondent submitted that the Hereditary Trustee had passed a resolution on 19.06.2022



to demolish the shop of the petitioner. On 22.06.2022, the second respondent conducted inspection, given 20 instructions for betterment of the temple and making facilities for the devotees and pilgrims. Further, direction No.6 was that the Mandapam has to be built by removing two shops for ear piercing and other functions. Hence, the fourth respondent sent a letter to the petitioner on 19.08.2022, to vacate the shop. Thereafter, on 22.08.2022, in the presence of the Village Administrative Officer, the shop was reclaimed and demolished, handed over the property to the temple authorities and photographs produced in this regard.

6.Considering the submission and perusal of the materials, it is seen that on 22.08.2022, in the presence of the Village Administrative Officer, the shop was reclaimed and demolished, the vacant possession handed over to the temple authorities. This writ petition has been filed on 24.08.2022, after the demolishing and reclaim of the shop by the temple, for constructing Mandapam.

7.In view of the same, nothing survives for further adjudication in this petition. Hence, this Writ Petition is dismissed. In any event, the Hereditary Trustee shall consider the petitioner's representation and to inform him about



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the disposal of the same. No costs. Consequently, the connected Writ

Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes/ No

vsg

To

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and Charitable Endowment Board,
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