



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.22866 of 2018

J.Saleem Basha

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareswarar Temple,
Madurai.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to take necessary action for removal of the encroachments in respect of an extent of 628 square feet on the eastern side out of the total extent of 1528 square feet and for fixation of the rent only in respect of the extent of 900 square feet on the western side in respect of the property comprised in Shop No.159A, South Masi Street, Madurai on the basis of petitioner's representation dated 09.10.2018.

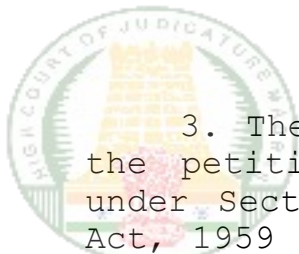
For Petitioner
For Respondent

: Mr.R.G.Shankar Ganesh
: Mr.V.R.Shanmuganathan

ORDER

This writ petition has been filed for a Writ of Mandamus to direct the respondent to take necessary action for removal of the encroachments in respect of an extent of 628 square feet on the eastern side out of the total extent of 1528 square feet and for fixation of the rent only in respect of the extent of 900 square feet on the western side in respect of the property comprised in Shop No.159A, South Masi Street, Madurai on the basis of petitioner's representation dated 09.10.2018.

2. The learned counsel for the respondent submits that nothing survives for adjudication in this writ petition particularly in the light of the fact that the petitioner had himself filed a writ petition on earlier occasion in W.P.(MD).No.13920 of 2021 for transferring the tenancy agreement of Shop No.14 4A, South Masi Street, Madurai in respect of 1073 square feet in petitioner name on the basis of the petitioner's representation, dated 30.06.2021. At the time of admission, the writ petition has dismissed as withdrawn.



3. The learned counsel for the respondent further submits that the petitioner himself was an encroacher. Therefore, proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 were initiated before the Joint Commissioner by an order, dated 13.10.2016 had allowed the aforesaid application filed by the temple. Thereafter, the revision was filed before the Commissioner under Section 21 of the Hindu Religious and Charitable Endowments Act, which came to be dismissed on 18.05.2017 and further revision of the aforesaid was also dismissed by the Government by its order, dated 18.02.2020 in murhiz (epiy) vz;.53.

4. Considering the above, the writ petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareswarar Temple,
Madurai.

W.P (MD) .No.22866 of 2018
13.04.2022

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