



W.P. (MD) No. 28967 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 28967 of 2022

and

W.M.P. (MD) Nos. 22939, 22941, 22942 of 2022

1. Sivakumar
2. Pattammal
3. Nalla Thambi
4. Bhaskar
5. manikandan
6. R. Mariappan
7. Vijay Kumar
8. Babu
9. Jayanthi
10. Lakshmi

... Petitioners

Vs.

1. The Joint Commissioner Cum Executive Officer,
Executive Officer,
Aranganathaswamy Thirukkivil,
Srirangam, Trichy District.
2. The Commissioner,
Municipality Corporation Trichy,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,



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to issue a Writ of Certiorari, calling for the impugned notice passed by the First Respondent vide Na.Ka.No.4933/1431/c3(4) dated 17.12.2022 and quash the same as illegal.

For Petitioners : Mr. B.Jameel Arasu

For Respondent No.1 : Mr. M.Saravanan

For Respondent No.2 : Mr. R.Baskaran
Standing Counsel

ORDER

Heard Mr. B.Jameel Arasu, Learned Counsel for the Petitioners, Mr. M.Saravanan, Learned Counsel for the First Respondent and Mr. R.Baskaran, Learned Standing Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners in this Writ Petition, who are in occupation of the property at Door No. 2/97, Angan Shop situated nearby Old Vegetable Market, Vadakku Vasal, Srirangam, claim that it belongs to the Corporation of Tiruchirappalli, which is the Second Respondent, but the First Respondent has sent the Notice in Na. Ka. No. 4933/1431/C3(4) dated 17.12.2022 calling



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upon them to vacate and hand over possession of that property by 27.02.2022, which is challenged in this Writ Petition.

3. Learned Standing Counsel appearing for the Second Respondent, on instructions, states that the said property does not belong to the Corporation of Tiruchirappalli as claimed by the Petitioners and he has made an endorsement to that effect in the court record.

4. Learned Counsel for the First Respondent submits that if the Petitioners, who are encroachers of the property belonging to the Temple of the First Respondent, fail to vacate and hand over possession of the said property by said date, appropriate legal proceedings for their eviction including resort to Section 79-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, would be taken before the concerned authority following the procedure prescribed by law.

5. In such circumstances, there does not appear to be any infirmity in the impugned notice warranting interference by this Court in the exercise of discretionary powers under Article 226 of the Constitution, and the



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Petitioners are not entitled to the relief claimed.

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6. In the result, the Writ Petition, which does not deserve to be entertained, is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

23.12.2022

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Index : Yes/No

Note: Issue order copy by 30.01.2023.

To

1. The Joint Commissioner Cum Executive Officer,
Executive Officer,
Aranganathaswamy Thirukkivil,
Srirangam, Trichy District.
2. The Commissioner,
Municipality Corporation Trichy,
Trichy.



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P.D.AUDIKESAVALU,J.

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