



W.P.No. 5029 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HON'BLE MRS. JUSTICE J.NISHA BANU

Writ Petition No. 5029 of 2020

and

W.M.P. No. 5941 of 2020

Alangudi Village Panchayat
Rep by its President
A.M.Mohan,
Alangudi Village, (Gurusthalam)
Valangaiman Taluk,
Thiruvarur District.

... Petitioner

Vs.

1. The Secretary to Govt. of Tamil Nadu
Department of HR & CE
St. George Fort
Chennai-9.

2. The Commissioner
Department of HR & CE
Nungambakkam
Chennai-34.

3. The Joint Commissioner
Department of HR & CE
Thanjavur Town and Taluk
Thanjavur.

4. The Assistant Commissioner/ Executive Officer
Abath Sagayeeswarar Temple, (Gurusthalam) &
Abhaya Varadharaja Perumal Temple
Alangudi Village, Valangaiman Taluk
Thiruvarur District.



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5. The Superintendent of Police
Thiruvarur, Thanjavur District.

6. The Inspector of Police
Valangaiman Police Station
Valangaiman Town and Taluk
Thiruvarur District.

7. C.R. Srinivasa Ramanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 5th and 6th respondents to forbear from interfering with the peaceful running of “vehicle parking” comprised in the punja lands in survey No. 45/2A measuring hectares 0.09.71 and in survey no. 45/2B measuring hectares 0.03.19, in Alangudi Village, Valangaiaman Taluk, Thiruvarur District by the petitioner except under due process of law.

For Petitioner : Mr. S. Sathiaseelan
For Respondents : Mr. K.Karthikeyen (HR & CE)
Government Advocate for R1 to R6
Mr. Rajendran for R7

ORDER

This Writ Petition has been filed seeking for a direction to the 5th and 6th respondents to forbear them from interfering with the peaceful running of “vehicle parking” comprised in the punja lands in survey No. 45/2A measuring hectares 0.09.71 and in survey no. 45/2B measuring hectares 0.03.19, in Alangudi Village, Valangaiman Taluk, Thiruvarur District.



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2.At the time of admission of this Writ Petition, this Court by order dated 27.02.2020 has directed the petitioner – President, Alangudi Village Panchayat as follows:-

“7.This Court permits the petitioner to use the land as a car parking till 12.03.2020 and no further. The petitioner is directed to file an affidavit stating that the Panchayath does not have any further interest in the said land and that the title of the land is to be decided only between the temple authorities and the seventh respondent. If an affidavit is not filed the respondent police is at liberty to proceed in accordance with law, to evict even anyone remotely connected with the petitioner from the said area.”

3.As against the said directions, the petitioner had preferred an appeal in W.A.No.333 of 2020. The 1st Bench of this Court by order dated 04.08.2020 disposed of the Writ Appeal, with the following observations:-

“13.We have considered the submissions raised and we find that the seventh respondent is claiming title over the land and from the order of the learned Single Judge, it is also apparent that the appellant / village panchayat does not have any right, title or claim over the land rather whatever claim is being canvassed is allegedly of the Lord Abath Sagayeeswarar Temple, Lord Abhayavaratharaja



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*Perumal Temple at Alangudi Village, Valangaiman Taluk,
Thiruvarur District.*

14. Consequently, we find that to that extent, the conclusion drawn by the learned Single Judge does not suffer from any such infirmity for our interference in this appeal.

15. The appellant, it appears only the aggrieved on account of the observation made by the learned Single Judge of the consequence of non filing of the affidavit and which had already been taken care of by us under the interim order dated 12.03.2020 extracted herein above.

16. At present, therefore, no further orders are required in the exercise of jurisdiction under Article 226 of the Constitution of India without prejudice to the rights of the parties to contest their claim before the appropriate forum in accordance with law.

17. We therefore, dispose of the appeal finally subject to above and in terms of the interim order dated 12.03.2020. No costs. Consequently, connected miscellaneous petitions are closed.”

4. Since the issue involved in this Writ Petition had already been settled by the Division Bench, when the interim order dated 27.02.2020 was taken on appeal, wherein the Division Bench of this Court has confirmed the findings



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of the learned Single Judge and gave liberty to the parties to contest their claim before the appropriate forum in the manner known to law.

5. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

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19.06.2023

Index : Yes / No
Internet : Yes / No
Neutral citation : Yes / No
Speaking order/Non-speaking order

To

1. The Secretary to Govt. of Tamil Nadu
Department of HR & CE
St. George Fort
Chennai-9.

2. The Commissioner
Department of HR & CE
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Chennai-34.

3. The Joint Commissioner
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5. The Inspector of Police
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