



A.No.3020 of 2023 & O.A.No.536 of 2023

in C.S.No.258 of 2022

N.SATHISH KUMAR, J.

A.No.3020 of 2023 has been filed seeking for appointment of Advocate Commissioner maintain, supervise and receive the rent from the trust property and maintain separate account till the disposal of the suit.

O.A.No.536 of 2023 has been filed seeking to grant an Order of Injunction not to interfere with peaceful possession and enjoyment of the suit property by the defendants 2 to 5 till the disposal of the suit.

2. Considering the fact that action had taken against some of the tenants by the Hindu Religious & Charitable Endowments Department, this Court has confirmed the Order of eviction by proceedings under Section 78 of the HR&CE Act in W.A.No.2918 of 2021 dated 12.04.2023 and that judgment was also confirmed by the Hon'ble Supreme Court in S.L.P.No.12693 of 2023 by Order dated 30.06.2023. The Division Bench has also held that the property is endowed to the temple and the temple has control over the property. Though the petitioner is not a party in the above proceedings, the fact remains that the findings are already recorded with regard to the status of religious endowments, now these applications mainly



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focuses on appointment of Advocate Commissioner to collect, maintain, supervise and receive the rents from the trust properties and another application is filed against the defendants 2 to 5, not to interfere with the affairs of the trust.

3. From the judgment of the Division Bench referred above, now it makes it clear that the department is under control of the temple and the suit properties. Such view of the matter, the question of restraining the respondents from interfering with the possession and affairs of the trust does not arise at all.

4. Similarly, since the HR & CE Department is under the control and the question of appointing the advocate commissioner does not arise at all. Such view of the matter, let the respondents maintain a separate account in respect of the trust properties till the disposal of the suit. Accordingly, both the applications are closed.

5. Post on 22.01.2024. Written statement in suit by then.

19.12.2023



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