



WEB COPY



W.P.No.21875 of 2014 & 30274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.21875 of 2014 and 30274 of 2022

and

WMP. Nos.29706, 29707 & 29709 of 2022

Shanthini Devi

.. Petitioner in both the petitions

Versus

1. The Commissioner, HR and CE,
119, Uthamar Gandhi Rd,
Thousand Lights West,
Nungambakkam, Chennai 34.

2. The Joint Commissioner, HR & CE,
Dr. Balasundaram Road,
Coimbatore 641 018.

3. The President,
Kalangal, Sulur Panchayat,
Coimbatore District.

....Respondents in W.P.no.21875 of 2014

1. The Commissioner, HR and CE,
119, Uthamar Gandhi Rd,
Thousand Lights West,
Nungambakkam, Chennai 34.

2. The Joint Commissioner, HR & CE,
Dr. Balasundaram Road,
Coimbatore 641 018.

1/6



W.P.No.21875 of 2014 & 30274 of 2022

3. The Executive Officer,
Sri Kalyana Venkata Ramana Swamy Temple,
Kalangal Village, Coimbatore 641 402.

4. The District Collector,
Coimbatore District 641 018.

5. The Revenue Divisional officer,
Coimbatore District 641 030.

6. The Tahsildhar,
Coimbatore District 641 402.

7. The Inspector of police,
Sulur Police Station,
Sulur, Coimbatore 641 402.

8. R.Senthil Prabhu

9. M.Vignesh

10. V.Nandakumar

11. P.Sanmugam

12. V.Ranganathan

13. V.Vasanthakumar

14. Velusamy

15. Selvaraj

.. Respondents in W.P.No.30274 of 2022



W.P.No.21875 of 2014 & 30274 of 2022

Prayer in W.P.No.21875 of 2014: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the third respondent from making any encroachments in survey nos.503 and 506 of Kalangal Sulur Village, Coimbatore District in which Sri Kalyana Venkataramana swamy Temple is located.

Prayer in W.P.No.30274 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 7 forbearing the respondents 4 to 15 from intervening with the renovation activities/ Kumbabishekam of Arulmigu Sri KalyanaVenkata Ramana Swamy Temple alias Vishnu Temple Kalangal Village, Coimbatore that are undertaken by the petitioner.

For Petitioner : Ms.Aswini Angana (for both the petitions)
For M/s.Shobana Ramasubramaniyan

For Respondents : Mr.M.Bindran, AGP RR1 to 3
Mr.N.Naveen Kumar, GA, RR 4to 7
....for W.P.No.30274 of 2022
Mr.M.Bindran, AGP RR1 to 3
...for W.P.no.21875 of 2014

COMMON ORDER

W.P.No.21875 of 2014 has been filed for forbearing the third respondent from making any encroachment in survey nos.503 and 506 of Kalangal Sulur Village, Coimbatore District in which Sri Kalyana Venkataramana swamy Temple is located.



W.P.No.21875 of 2014 & 30274 of 2022

WEB COPY 2. W.P.No.30274 of 2022 has been filed seeking a direction to the respondents 1 to 7 forbearing the respondents 4 to 15 from intervening with the renovation activities/ Kumbabishekam of Arulmigu Sri Kalyana Venkata Ramana Swamy Temple alias Vishnu Temple, Kalangal Village, Coimbatore.

3. It is the case of the writ petitioner that he is the hereditary trustee of one Sri Kalyanavenkataraman Swamy @ Vishnu Temple by virtue of the orders passed by the second respondent in proceedings in O.A.No.7/2007/B1 dated 25.06.2007. The temple is located at S.Nos.503 and 506 and the temple owns a total extent of 29 acres of agricultural lands in S.Nos.265 and 266 of Kalangal Village and another extent of 8 ¼ acres comprised in S.Nos.269/2 and 270/2. The respondents 8 to 14 in W.P.No.30274 of 2022 are trying to interfere with the temple properties, regarding which, second appeal is pending between the parties in Second Appeal No.1174 of 2019, before this Court. Further, the 3rd respondent in W.P.No.21875 of 2014 is trying to lay the road in S.Nos.503 and 506 where the temple is situated.



W.P.No.21875 of 2014 & 30274 of 2022

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4. In such view of the matter, if the petitioner has any grievance, she has to file necessary application before this Court in second appeal. Without doing so, the petitioner has filed this writ petition before this Court, which is not maintainable and the same is liable to be rejected.

5. Accordingly, the Writ Petition in W.P.No.30274 of 2022 is dismissed. In respect of W.P.No.21875 of 2014 is concerned, the writ petition is disposed of with a direction to the third respondent to survey the land and if any encroachment is found, issue notice to the encroachers and take appropriate action as per law. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2023

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Index : Yes / No

Speaking Order : Yes / No

To

1. The Commissioner, HR and CE,
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5/6



WEB COPY



W.P.No.21875 of 2014 & 30274 of 2022

N.SATHISH KUMAR, J.

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2. The Joint Commissioner, HR & CE,
Dr. Balasundaram Road,
Coimbatore 641 018.

3. The Executive Officer,
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Kalangal Village, Coimbatore 641 402.

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