



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19474 of 2023
and W.M.P.No.18740 of 2023

1.G.Sivakumar

2.T.Ganesan

3.Chandra

4.A.Sundaravadivelu

5.S.Vetrivel

6.Santhi

...Petitioners

Vs

1.The District Collector,
Kallakurichi,
Kallakurichi District.

2.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai – 600 034.

3.The Commissioner,
Thirukovilur Municipality,
Thirukovilur, Kallakurichi District.



4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Kallakurichi District.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Kallakurichi District.

6.The Secretary,
Keeshaiyur Arulmigu Dharmaraja Dhraupathiamman Thirukovil,
Pidariamman Koil Street,
Thirukovilur,
Kallakurichi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records connected with the individual impuged orders dated 09.02.2023 and 10.04.2023 vide proceedings Na.Ka.No.730/2022/A2 issued by the 3rd respondent to the 1st, 3rd to 6th petitioners and 2nd petitioner respectively and quash the same.

For Petitioner : Mr.G.P.Arivuchudar

For Respondents : Mr.S.Arumugam
Government Advocate for R1 and R3

Mr.K.Karthikeyan
Government Advocate for R2, R4 to R6



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ORDER

This writ petition has been filed challenging the impugned notice issued by the 3rd respondent dated 10.04.2023 under Section 182 of the Tamil Nadu District Municipalities Act, 1920 (herein after referred to as 'the Act').

2.Heard Mr.G.P.Arivuchudar, learned counsel appearing on behalf of the petitioner, Mr.S.Arumugam, learned Government Advocate appearing on behalf of the respondents 1 and 3 and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents 2, 4 to 6.

3.The main ground that has been urged before this Court is that the petitioners have been running small shops for a long period of time in the place belonging to the 6th respondent temple by paying the rents. In view of the same, the 3rd respondent Municipality does not have the power or jurisdiction to issue the impugned notice.



4. The learned Government Advocate appearing on behalf of the respondents 4 to 6 based on written instructions given by the 6th respondent submitted that the temple is the owner of the property in S.No.74 to an extent of 55 cents. Insofar as unauthorized occupation in this property is concerned, the temple will initiate separate proceedings under Section 78 of the Act. However, the petitioners have been running the shops in the place that has been earmarked as a Government poramboke in S.No.75/1 measuring an extent of 48 cents. In view of the same, respondents 4 to 6 have taken a very clear stand that the temple is not the owner of the property where the petitioners are running their shops and that it belongs to the Municipality.

5. In the light of the above stand taken by the HR & CE Department, this Court does not find any ground to interfere with the notice issued by the 3rd respondent Municipality and it is well within the power and jurisdiction of the 3rd respondent to issue such a notice. It is left open to the petitioners to give their objections to the 3rd respondent and the same will be considered by the 3rd respondent in accordance with law. Except giving this clarity, no further orders can be passed in this writ petition.



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6. This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

30.06.2023

Index : Yes/No

(1/3)

Speaking order: Yes/No

Neutral citation: Yes/No

ssr

To

1. The District Collector,
Namakkal,
Ernapuram & Post,
Namakkal District.

2. The Sub Registrar,
Sendamangalam,
Sendamangalam Taluk,
Namakkal District.



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N.ANAND VENKATESH, J

SSI

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