



WEB COPY



W.P.No.23387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23387 of 2023

and

WMP.22923 & 22924 of 2023

- 1.Sengottaiyan
- 2.K.Banu
- 3.P.Jayakumar

...Petitioners

Vs.

- 1.The District Collector
Namakkal District
Namakkal 637 003.
- 2.The Tahsildar
Tiruchengode Taluk
Tiruchengode 637 211
Namakkal District.
- 3.The Assistant Commissioner/Executive Officer
HR & CE Department
Tiruchendgode
Namakkal District.
- 4.The Inspector of Police
Tiruchengode Town Police Station
Tiruchengode
Namakkal District.



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5.Pichaipillai
6.Sathishkumar
7.S.Karthikeyan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to give necessary assistance to the petitioners to reoccupy their respective shops in Kanakkar/Kanakkupillai Mandapam, Theppakulam Street, Tiruchengode, Namakkal District, under due process of law by the Competent Authority.

For Petitioners : Mr.P.Mani

For Respondents : Mr.R.U. Dinesh Rajkumar
for R1, R2 & R4
Additional Government Pleader

Mr.N.R.R.Arun Natarajan for R3
Special Government Pleader

ORDER

This Writ Petition is filed by the petitioners seeking a direction to the third respondent to give necessary assistance to the petitioners to reoccupy their respective shops in Kanakkar/Kannkkupillai Mandapam, Theppakulam Street, Tiruchengode, Namakal District.



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2. According to the petitioners, they are tenants of shops in Kanakkar/Kanakkupillai Mandapam belongs to Arulmigu Arthanareeswarar Temple, Ariyalur, Tiruchengode. A lease was executed between the petitioners and erstwhile trustee of the Mandapam on 26.11.2001.

3. It is the case of the petitioners that they used to vacate the shops on the 12th day of car festival every year so as to facilitate the performance of Mandagapadi at the said Mandapam. After completion of the Mandagapadi, the petitioners used to reoccupy the shops and continue the business.

4. It is also stated by the petitioners that there is a rival claim between the respondents 5 to 7 with respect to the trusteeship of the said Kanakkar/Kanakkupillai Mandapam in OA.No.14 of 2021 on the file of the Joint Commissioner, HR & CE Department, Erode. Now, the third respondent is the fit person, who is administrating Mandapam and the above said temple. The petitioners vacated the shops on 06.06.2023 to facilitate the performance of the Kattalai on the 12th day of car festival on that day. After the festival is



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over, the petitioners made an attempt to reoccupy the shops, but the same was prevented by the respondents 5 & 6. Therefore, the petitioners submitted a representation to the Revenue Authority, namely respondents 1 and 2 seeking their assistance to reoccupy the building.

5. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents 1, 2 & 4 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice for the third respondent.

6. The learned Special Government Pleader appearing for the third respondent, on instructions, submitted that this year the petitioners failed to vacate the Mandapam and therefore, during the 12th day of the festival the Mandagapadi was performed in the road side.

7. Even according to the petitioners, the Mandapam and the above said temple are under the control of the third respondent, who is now the fit person. In such circumstances, the respondents 1 and 2 may not be in a position to consider the representation of the petitioners. The petitioners are



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directed to submit a fresh representation to the third respondent within a period of two weeks from the date of receipt of copy of this order. The third respondent is directed to consider the representation of the petitioners on merits in accordance with law and pass final orders within a period of six weeks from the date of filing of representation, after issuing notice to the respondents 5 to 7.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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To

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