



WEB COPY



W.P.Nos.22527 & 22528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.Nos.22527 & 22528 of 2022

T.Balan

... Petitioner in both WPs

Vs

1.The Joint Chief Controller of Explosives
A and D -Wing, Block1-8, Second Floor
Shastri Bhavan, 26 Haddows Road
Nungambakkam, Chennai – 600 006.

2.The District Collector
Master Plan Complex
Collectorate
Villupuram – 605 602.

3.The District Revenue Officer
Villupuram District.

4.The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
No.35, Vaudhyananthan Street
Tondiarpet, Chennai – 600 081.

... Respondents 1 to 4 in both WPs

[R4 impleaded as per order dated 30.08.2022 in
WMP.No.22140 of 2022 in WP.No.22527 of 2022 &
in WMP.No.22142 of 2022 in WP.No.22528 of 2022]



W.P.Nos.22527 & 22528 of 2022

5.Mohanakrishnan

... 5th Respondent in W.P.No.22527 of 2022

WEB COPY

[R5 impleaded as per order dated 17.07.2023 in
WMP.No.23334 of 2022 in W.P.No.22527 of 2022]

Prayer in W.P.No.22527 of 2022 : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the third respondent to consider and dispose of the petitioner's representation dated 15.07.2022 within the time stipulated by this Court.

Prayer in W.P.No.22528 of 2022 : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 15.07.2022 within the time stipulated by this Court.

For Petitioner : Mr.S.MohamedUduman

For Respondents 1-4 : Mr.A.R.Sakthivel
in both WPs Senior Panel Counsel for R1
Mr.G.Ameedius
Government Advocate for R2 & R3
Mr.M.Vijayan
of M/s. King & Partridge for R4

For 5th Respondent : Ms.Abirami for Mrs.V.Srimathy
in WP.No.22527/2022



WEB COPY



W.P.Nos.22527 & 22528 of 2022

COMMON ORDER

A certain Mohanakrishnan claiming that the property comprised in Sy.Nos.9/9 and 9/10 of Arankandanallur Village, Villupuram, belonged to him, whereas the HR&CE Department claim that it belonged to one Sri Athithulyanatheeswarar Temple. This landed in a civil suit in O.S.No.321/1974 , when Mohanakrishnan sought a declaration of his right to be in possession of settled property. He tasted partial success before the trial Court, and challenging the decree of the trial Court, the Sri Athithulyanatheeswarar Temple and HR&CE Department preferred first appeals in A.S.No.747 of 1985 and A.S.No.1012 of 1986. The first appellate Court reversed the finding of the trial Court and dismissed the suit. This matter is now pending adjudication in S.L.P.(C) Nos.17831-17833 of 2012 before the Hon'ble Supreme Court, wherein the Court had passed an order of status quo.

2 In the meantime, Mohanakrishnan is stated to have executed a lease deed dated 15.06.2016, in favour of the fourth respondent for 26 years, wherein the latter has set up its petrol bunk and is running through its dealer. It is in



W.P.Nos.22527 & 22528 of 2022

this circumstances, the petitioner claims to be a villager of Arangandanallur Village, and seeks a mandamus for directing the third respondent, the District Revenue Officer, Villupuram, to dispose of his representation, wherein he contends and complains that the lease by Mohanakrishnan in favour of the fourth respondent as regards the property belonging to Sri Athithulyanatheeswarar Temple is without any legal basis.

3. Mohanakrishnan has now filed WMP.No.2334 of 2022 in W.P.No.22527 of 2022 to implead him in this proceedings.

4. Heard the learned counsel for the petitioner, Mr.A.R.Sakthivel, learned Central Government Standing Counsel for the first respondent, Mr.G.Ameedius, learned Government Advocate for respondents 2 and 3, Mr.M.Vijayan of M/s.King and Patridge for the fourth respondent and Ms.Abirami, learned counsel for the impleaded fifth respondent in W.P.No.22527 of 2022.

5. The learned counsel for the fifth respondent circulated a copy of the order passed in W.P.No.33522 of 2021 dated 12.03.2020. This petition was filed



W.P.Nos.22527 & 22528 of 2022

by Mohanakrishnan against the authorities of HR&CE, the Regional Manager of Bharat Petroleum Corporation, and also two others, of whom the fourth respondent in that writ petition is the petitioner herein.

6. This Court took note of the dispute between the HR&CE, Mohanakrishnan, and also the order of status quo passed by the Hon'ble Supreme Court and also the order of this Court in W.P.No.33522 of 2014, wherein this Court has disposed of the matter with an observation that the interest of the temple is well protected.

7. On a perusal of the affidavit in the present petition, this Court has a shocking revelation that the present petitioner who is a party in W.P.No.33522 of 2014 has not even cared to disclose it, in the affidavit filed in the present writ petition. When the interest of temple is well protected, this Court does not even consider a busy body such as the petitioner has a *locus standi* even to complain about it. Today, the interest of the temple is amply protected by the HR&CE Department.

8. This Court is also informed that in the meantime, the Sub Registrar has



W.P.Nos.22527 & 22528 of 2022

cancelled the lease deed on the basis of the complaint given by the petitioner, and that came to be allowed. This was taken up by Mohanakrishnan before the Inspector General of Registration, and that also came to be dismissed, and it is now pending challenge in W.P.No.5446 of 2023, wherein an order of status quo has been granted by the Court.

9. In the result, both the writ petitions are dismissed. The petitioner is warned if he comes out with any other similar petition with suppression of material facts, he will be taken to task by this Court, as this Court has far greater responsibility to discharge. No costs.

17.07.2023

Index : Yes / No
Speaking order / Non-speaking order
ds



W.P.Nos.22527 & 22528 of 2022

WEB COPY To:

- 1.The Joint Chief Controller of Explosives
A and D -Wing, Block1-8, Second Floor
Shastri Bhavan, 26 Haddows Road
Nungambakkam, Chennai – 600 006.
- 2.The District Collector
Master Plan Complex
Collectorate
Villupuram – 605 602.
- 3.The District Revenue Officer
Villupuram District.



WEB COPY



W.P.Nos.22527 & 22528 of 2022

N.SESHASAYEE.J.,

ds

W.P.Nos.22527 & 22528 of 2022

17.07.2023