



S.A.(MD).Nos.331 and 393 of 2007

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2023

CORAM

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

S.A.(MD).Nos.331 and 393 of 2007

S.A.(MD).No.331 of 2007

Arulmighu Kailasanatha Swamy Thirukovil,
Thingaloor,
represented by its Executive Officer,
Thingaloor,
Thiruvaiyaru Taluk and Munsif.

... Appellant

-Vs-

1.Rayampettai Panchayat Board,
represented by its President Sudhakar.

2.The Block Development Officer,
Thiruvaiyaru,
Thiruvaiyaru Town and Munsif.

3.The District Collector,
Thanjavur,
Court Road,
Thanjavur Town and Thanjavur Munsif.

... Respondents



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PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the common judgment and decree dated 12.07.2006 passed in A.S.No.43 of 2005 by the Principal Sub Judge, Thanjavur confirming the judgment and decree dated 08.07.2004 passed in O.S.No.88 of 2002, by the District Munsif at Thiruvaiyaru.

For Appellant : Mr.R.Murali

For Respondents : Mr.A.Baskaran

Additional Government Pleader

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Arulmighu Kailasanatha Swamy Thirukovil,
Thingaloor,
represented by its Executive Officer,
Thingaloor,
Thiruvaiyaru Taluk and Munsif.

... Appellant

-Vs-

Rayampettai Panchayat Board,
represented by its President
P.Sudhakar.

... Respondent

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the common judgment and decree dated 12.07.2006 passed in A.S.No.44 of 2005 by the Principal Sub Judge, Thanjavur confirming the



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judgment and decree dated 08.07.2004 passed in O.S.No.89 of 2002, by the District Munsif at Thiruvaiyaru.

For Appellant : Mr.R.Murali
For Respondent : Mr.A.Baskaran
Additional Government Pleader

COMMON JUDGMENT

A Memo has been filed by the learned counsel for the respondents stating that during the pendency of the second appeals, based on the representation given by the appellant dated 29.11.2023 and on 30.11.2023, the respondent granted permission to park the vehicle in temple land in S.No.38/2 and permitted to collect parking fees from the devotees with effect from 01.04.2024 to 31.03.2025.

2. Heard the arguments of the learned counsel for the appellants Mr.R.Murali and the learned Additional Government Pleader Mr.A.Baskaran appearing for the respondents.



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3. A suit in O.S.No.88 of 2002 was filed by Arulmighu Kailasanatha Swamy Thirukovil, Thingaloor by its Executive Officer primarily against the President of Rayampettai Panchayat Board for the relief to declare the resolution dated 01.05.2002, passed by the first defendant as *null and void* and for consequential permanent injunction restraining the first defendant and his men in any way collecting charges from the devotees, who parked the vehicle in and around the plaintiff temple. Mean while, another suit was filed by the President of Rayampettai Panchayat Board in O.S.No.89 of 2002 for permanent injunction.

4. After trial, by a common judgment dated 08.07.2004, the suit in O.S.No.88 of 2002 was dismissed and the suit in O.S.No.89 of 2002 was decreed. Against which, the temple preferred first appeals before the Subordinate Court, Thanjavur in A.S.Nos.43 of 2005 and 44 of 2005 and the same were also dismissed. Aggrieved by the same, the temple filed these second appeals.



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5. By an order dated 30.11.2023, the president of Rayampettai Panchayat Board has granted permission to the plaintiff temple for collecting parking fees from the devotees with effect from 01.04.2024 till 31.03.2025.

6. In the result, the plaintiff temple is entitled for an order of permanent injunction as prayed for.

7. With these observations, the Second Appeals are disposed of. The plaintiff temple is at liberty to apply for renewal in the month of February or March well in advance. There is no order as to costs.

11.12.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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- 1.The Sub Court,
Thanjavur.
- 2.The District Munsif Court,
Thiruvaiyaru.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

R.KALAIMATHI,J.



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