



C.R.P(MD)No.1365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1365 of 2023

1.Subramanian

2.Rajanayagam

...Petitioners/Plaintiffs

Vs.

1.Periyanambi Narasima Gopalan

2.The Tahsildar,
Tahsildar Office,
Ambasamudram.

3.The Executive Officer,
Arulmigu Rajagopala Kulasekara Alwar Temple,
Mannarkovil.

4.The Joint Commissioner,
Joint Commissioner Office,
Department of HR & CE,
Tirunelveli.

...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal District Munsif Court, Ambasamudram to number the suit in O.S.SR.No.340 of 2022 and try the same on merits.



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For Petitioner : Mr.D.Venkatachalam
For R1 : Mr.N.Vignesh
For R2 : Mr.S.Kameswaran
Government Advocate
For R3 & R4 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

The present Civil Revision Petition has been filed to direct the Principal District Munsif Court, Ambasamudram to number the suit in O.S.SR.No.340 of 2022.

2. The petitioner appears to be an encroacher of the property and therefore, the first respondent herein had filed a writ petition in W.P(MD)No.13743 of 2023 to direct the official respondents and the Police department to remove the encroachment by the petitioner herein.

This Court by an order, dated 22.07.2022 has ordered as follows:

"2.In case the Executive Officer finds any encroachment within the temple premises or encroachment in any property belongs to the temple, he is bound to report the encroachment to the Joint Commissioner, who in turn has to initiate proceedings under Sections 78 and 79 of the HR & CE Act. The Joint Commissioner, HR & CE



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Department, shall initiate action for removal of encroachment and ensure that the encroached land is resumed."

3. Pursuant to the order of this Court in the above writ petition, the third respondent has also initiated proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 against the petitioner vide notice, dated 29.11.2022 bearing Reference எம்.பி.-81/2022/அ2.

4. Now, the attempt of the petitioner is to dilute the above proceedings by initiating the suit. The learned Principal District Munsif Judge, Ambasamuthiram has returned the plaint with the following observations:

*"1.Previous direction not yet complied.
2.Plain sheet to be enclosed. Time one Month. Hence, returned."*

5. The suit is not maintainable and the attempt of the petitioner appears to be to nullify the proceedings initiated by the third respondent herein pursuant to the directions of this Court. All issues arising out of land belonging to religious and charitable institution are to be decided



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only under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, there is no merit in the present civil revision petition. It is open for the petitioner to workout his remedy under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

6. The present Civil Revision Petition stands dismissed with the above observations. No costs.

15.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Principal District Munsif Court,
Ambasamudram

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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