



W.P. (MD) No. 18448 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 18448 of 2019
and W.M.P. (MD) No. 14882 of 2019

S.Muthukumar

... Petitioner

Vs.

1. His Holiness Ambalavana Pandara Sannidhi,
The Adheena Head of Thiruvavaduthurai Adheenam,
Mayiladuthurai Taluk,
Nagapattinam District.
2. The Joint Commissioner,,
Hindu Religious and Charitable Endowments Department,
Trichy,
Trichy District.
3. The General Manager,
Thiruvavaduthurai Adheenam,
Mayiladuthurai Taluk,
Nagapattinam District.
4. The Assistant Commissioner,,
Hindu Religious and Charitable Endowments Department,
Pudukkottai,
Pudukkottai District.



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5. The Superintendent,
Thirukailaya Descent Thiruvavaduthurai Adheenam,
Office of the Aaludai Therku Madam,
Thiurperunthurai,
Avudaiyarkovil,
Pudukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, to direct the 2nd Respondent to direct the 5th Respondent to receive ground rent from the petitioner and consequently direct him not to receive ground rent from any other person by modifying the property and demand registers for Pudukkottai District, Avudayarkovil S.Nos. 152/1, 3 respectively its extent of 1.15 acre, 30 cents and S. Nos.152/30, 32, 33 its total extent of 30cents and Shop No.5 on the basis of his representation dated 14.05.2019.

For Petitioner : Mr. A.Prasanarajadurai
for Mr. Na.Palanyandi

For Respondents : Mr. P.Subbaraj
Special Government Pleader for R2 and R4

Mr. P.Thiyagarajan for R3 and R5

ORDER

Heard Mr. A.Prasanarajadurai, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the Second and Fourth Respondents and Mr. P.Thiyagarajan, Learned Counsel for the Third and Fifth Respondents and perused the materials placed on record, apart from the



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pleadings of the parties.

2. The Writ Petition has been filed for directing the Second Respondent to direct the Fifth Respondent to receive ground rent only from the Petitioner and not from any other person by modifying the property and demand registers for Pudukkottai District, Avudayarkovil S.Nos. 152/1, 3 respectively its extent of 1.15 acre, 30 cents and S. Nos.152/30, 32, 33 its total extent of 30cents and Shop No.5 on the basis of his representation dated 14.05.2019.

3. Learned Counsel for the Fifth Respondent, on instructions, states that proceedings has been initiated under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, for eviction of the Petitioner from the said property in his occupation.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition, reserving the right of the Petitioner to raise all the contentions in the said eviction proceedings and he has made an endorsement to that effect in the court record.



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In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Writ Miscellaneous Petition is also dismissed. No costs.

07.02.2023

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

Note: Issue order copy by 24.02.2022

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy,
Trichy District.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai,
Pudukkottai District.



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P.D. AUDIKESAVALU, J.

sj

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