



W.P.(MD).No.17252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17252 of 2023

and

W.M.P(MD).Nos.14451 and 14483 of 2023

K.Ravindran

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Rameswaram Taluk Office,
Ramanathapuram District.
- 5.The Joint Commissioner of HR & CE/Executive Officer,
Arulmigu Ramananathasamy Thirukoil,
Rameswaram,
Ramanathapuram District.
- 6.The Assistant Commissioner of HR & CE
Arulmigu Ramananathasamy Thirukoil,
Rameswaram, Ramanathapuram District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order passed by the fifth respondent in Na.Ka.No.1339/2023/Aa3 dated 22.06.2023 and quash the same as illegal.

For Petitioner : Mr.B.Vinoth Kumar

For R-1 to R-4 : Mr.S.P.Maharajan,
Special Government Pleader.

For R-5 and R-6 : Mr.S.Ramesh,
Standing Counsel.

ORDER

This writ petition has been filed to quash the impugned order dated 22.06.2023.

2. The contention of the petitioner is that the suit property was sold to the petitioner's landlord in the year 1954 itself through the registered sale deed dated 19.02.1954. The petitioner is a tenant in the said disputed property. However, the Hindu Religious and Charitable Endowments Department claiming that the land belongs to the Temple. Moreover, a third party has filed a suit in O.S.No.13 of 2017 on the file of District Munsif Court, Rameswaram. The said plaintiff has filed a petition to implead the Hindu Religious and Charitable Endowments Department as one of the parties.



W.P.(MD).No.17252 of 2023

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3. Even otherwise when it is brought to the knowledge of the HR&CE Department that a suit is filed, the HR&CE is at liberty to file impleading petition and contest the suit.

4. In the meanwhile, since the petitioner is claiming him as a tenant, the petitioner shall deposit the rent to the Hindu Religious and Charitable Endowments Department until the disposal of the aforesaid suit and consequently the impugned order shall be kept in abeyance. The parties rights shall be determined based on the outcome of the suit.

5. In view of the above, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.07.2023

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



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S.SRIMATHY, J.

Nsr

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