



W.P.(MD)Nos.19007, 19014 and 19016 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.19007, 19014 and 19016 of 2020

Arulmigu Agastheeswarar Swamy Thirukovil,

Rep.by its Trustee, Sangu S.Sabapathy,

Tirunelveli District.

... Petitioner in all petitions

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Deputy Collector (Revenue Court),
Tirunelveli,
Collectorate Campus,
Kokkirakulam,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram,
Tirunelveli District.

...Respondents 1 to 3 in all petitions

4.S.Essakipandi Durai

...4th Respondent in W.P.(MD)No.19007/2020

4.M.Essakimuthu

...4th Respondent in W.P.(MD)No.19014/2020

4.S.Kumar

5.M.Mariappan

6.S.Arul

...Respondents 4-6 in W.P.(MD)No.19016/2020



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COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to implement the order of the second respondent /Revenue Court in P.T.E.P.Nos.49, 59 & 53 of 2018 (P.T.Nos.90 of 2016, 28 of 2017 and 22 of 2016) dated 31.01.2019 and 08.01.2019, respectively within a time limit stipulated by this Court.

For Petitioner : Mr.V.Thirumal
For R1 to R3 : Ms.S.Jeyapriya
Government Advocate
(In all petitions)
For R4 : Mr.S.Sundarapandian
(in W.P.(MD)No.19014 of 2020)

COMMON ORDER

These Writ Petitions have been filed for the issue of a writ of mandamus directing the third respondent to implement the orders passed by the second respondent in P.T.E.P.Nos.49, 59 & 53 of 2018 (P.T.Nos.90 of 2016, 28 of 2017 and 22 of 2016) dated 31.01.2019 and 08.01.2019, respectively within the time fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 in all these writ petitions and the learned counsel for the fourth respondent in W.P.(MD)No.19014 of 2020.



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3.The case of the petitioner/temple is that the private respondents were occupying the properties belonging to the temple as cultivating tenants. The private respondents committed default and they were occupying the land beyond the period, for which it was leased. There were also huge arrears of rent payable by them. In view of the same, the petitioner/temple had issued notices calling upon the private respondents to pay arrears of rent. Since the same were not acted upon, the petitioner invoked Section 19(3) of the Tamil Nadu Public Trusts (Regulation and Administration of Agricultural Lands) Act, 1961 and filed eviction petition before the second respondent in P.T.Nos.90 of 2016, 28 of 2017 and 22 of 2016, respectively. The second respondent passed orders on 04.04.2017, 08.06.2017 and 03.02.2017, respectively in the eviction petition and directed the private respondents to pay the arrears of rent within the time stipulated. Leave was also granted to the petitioner/temple to file separate petitions for eviction, if the direction is not complied with by the private respondents.

4.The further case of the petitioner is that the private respondents did not comply with the directions issued by the second respondent and they did not pay arrears of rent. Therefore, the petitioner filed eviction petitions in



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P.T.E.P.Nos.49, 59 & 53 of 2018, respectively. Ultimately, the second respondent passed orders of eviction on 31.01.2019, 08.01.2019, respectively and directed the third respondent to execute the orders through the concerned Revenue Inspector, to take possession of the land and hand over to the petitioner /temple.

5.The petitioner thereafter, sent a representation to the third respondent to implement the order. Since the same was not acted upon, the petitioner made a representation before the first respondent. The first respondent issued proceedings dated 23.06.2020 directing the third respondent to implement the order passed by second respondent and report same. The grievance of the petitioner is that even this direction was not complied with by the third respondent. Left with no other option, present writ petitions have been filed before this Court seeking for a direction to the third respondent to implement the orders passed by the second respondent within the time frame fixed by this Court.

6.Taking into consideration of the facts and circumstances of the case and the orders that had been passed by the second respondent evicting the private respondents from the subject property and the said order becoming



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final, there shall be a direction to the third respondent to implement the orders of the second respondent made in P.T.E.P.Nos.49, 59 & 53 of 2018 dated 31.01.2019 and 08.01.2019, respectively, take possession of the property and hand over the same to the petitioner/ temple within a period of six weeks from the date of receipt of a copy of this order. The petitioner/temple is directed to make a fresh representation to the third respondent along with a copy of this order.

7.These writ petitions are disposed of with the above directions. No costs.

19.10.2023

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

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Deputy Collector (Revenue Court),
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3.The Tahsildar,
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