



WP(MD)No.17926 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17926 of 2023
and
WMP(MD)No.14975 of 2023

T.Rengasamy

.. Petitioner

v.

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai 600 034.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli.
- 4.The Executive Officer,
Arulmighu Devagiri Manai Subramani Swami Temple,
Pidaramangalam Post,
Thottiyam Taluk,
Trichy District.



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5.The Inspector,
Hindu Religious and Charitable Endowment Department,
Thottiyam,
Trichy District.

6.Periyasamy Gurukkal

7.P.Murugesan

8.The Tahsildar,
Thottiyam Taluk,
Trichy District.

.. Respondents

[R.8 *suo-motu* impleaded vide order dated 04.09.2023]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from laying the road in S.No.15/1 situated at Thevarmalai Village, Thottiyam Taluk, Trichy District.

For Petitioner : Mr.M.Perumal

For Respondents : Mr.P.Subburaj,
Special Government Pleader
for R.1 to R.5, R.8

No appearance for R.6

Mr.K.Arunraj,
for R.7



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ORDER

The petitioner claiming to be a tenant of the land in S.No.15/1 of Arulmigu Subramaniya Swamy Temple, Devagiri Malai, Thottiyam Taluk, Trichy District / fourth respondent. The Trustee of the fourth respondent Temple has issued a notice to this petitioner to vacate the land. The petitioner has filed a suit in O.S.No.782 of 2022 before the District Munsif Court, Thottiyam, seeking a permanent injunction as against the Temple and it's Hereditary Trustee, one Periyasamy. The suit is still pending. Now the fourth respondent has given a No Objection Certificate to lay road in the Temple property, which is in the possession of this petitioner in S.No. 15/1 of Thottiyam Village. Hence, the petitioner has filed this writ petition.

2.Learned Counsel for the petitioner submitted that in the guise of forming a road to the nearby burial ground, the respondents are attempting to lay a road in S.No.15/1, which is a Temple property and is also the subject matter in O.S.No.782 of 2022.



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3.In view of the stand taken by the petitioner, this Court, by order dated 04.09.2023 directed the Tahsildar to conduct a joint inspection and to submit a report before this Court.

4.The Tahsildar has accordingly submitted a report that they have conducted a survey and found that there is no proposal to lay any road in the land in S.No.15/1 of Arulmigu Subramaniya Swamy Temple.

Recording this report of the Tahsildar, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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

09.10.2023

To

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B.PUGALENDHI, J.

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