



W.P.(MD)Nos.16278 and 13761 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.16278 and 13761 of 2014
and M.P(MD)No.2 of 2014
and W.M.P(MD)No.5154 of 2016

In Both petitions:

R.Karuppasamy (Died)

1.Meenatchi (Died)

2.N.Ponnavudal

3.G.R.Parvathi

4.N.Pachavarnam

6.K.Karthigaiselvi

... LRS of the deceased Petitioner

(Memo dated 15.03.2023 is recorded)

Vs.

1. The Commissioner,
Aruppukkottai Municipality,
Aruppukkottai Town,
Virudhunagar District

2.P.Alagar

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari calling for the records relating to the impugned order made in Pa.Ko.51/Pe.Ma.No.



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130/2014/A1 dated 15.07.2014 on the file of the first respondent herein and the impugned order made in F1/514/2012 dated 09.02.2012 on the file of the first respondent herein and to quash the same.

In both petitions:

For Petitioners : Mr.M.Thirunavukkarasu
For R1 : Mr.N.Dilip Kumar
For R2 : Mr.Jothi Basu

COMMON ORDER

These Writ Petitions are filed for issuance of Writ of Certiorari to quash the impugned orders made in Pa.Ko.51/Pe.Ma.No.130/2014/A1 dated 15.07.2014 on the file of the first respondent herein and in F1/514/2012 dated 09.02.2012 on the file of the first respondent herein.

2. The petitioner, by name Karuppasamy, is a descendant of one of the Trustees of Mariammal @ Nidyananthaswamikal Koil dharma Paribalanam, Aruppukottai. After his death, his legal heirs are brought on record, out of them, the second petitioner died and the petitioners 3 and 5 are also on record as the legal heirs. A memo filed to that effect is recorded.



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3. According to the learned counsel for the petitioners, the properties of the Trust have been illegally sold by some of the Trustees in favour of the second respondent and based on that, the Aruppukottai Municipality has issued patta and also changed the tax assessment in the name of the second respondent and as against that, these Writ Petitions have been filed.

4. The learned counsel for the petitioners would submit that the Trust has been established for a noble purpose of doing poojas in Mariammal @ Nidyanantha Swamigal Temple and for performing poojas, certain punja land was dedicated with a condition that the same should not be alienated. However, some of the Trustees have sold the properties to the second respondent and based on the sale deed, the Aruppukkottai Municipality has also transferred the assessment of tax as well as patta in the name of the second respondent.

5. The learned counsel for the first respondent submits that the second respondent has already filed a suit in O.S.No.77 of 2014 before the District Munsif Court, Aruppukkottai for the relief of declaration and recovery of



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possession and the same is pending and therefore, pending civil suit, there is no necessity to take up these Writ Petitions.

6. Considering the issue involved and the submissions made on either side, this Court is inclined to dispose of these Writ Petitions with liberty. Accordingly, these Writ Petitions are disposed of with a liberty to the parties to work out their remedy before the Civil Court in O.S.No.77 of 2014, which is pending. Till such time, the order passed by the Aruppukkottai Municipality recognizing the second respondent by issuing patta and tax assessment shall be kept in abeyance. The petitioners, who claim that they are still paying property tax for the said property, shall pay tax till conclusion of the suit. No costs. Consequently, connected miscellaneous petitions are closed.

7. Considering the fact the suit is pending from 2014, this Court directs the learned District Munsif, Aruppukkottai, to conclude O.S.No.77 of 2014 as expeditiously as possible preferably within a period of 4 months from the date of receipt of a copy of this order. The petitioners as well as the



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second respondent are also expected to co-operate for earlier disposal of the suit.

15.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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B.PUGALENDHI, J.

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