



W.P.(MD) No.21379 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.21379 of 2021

J.Sundarrajan
S/o.Jegannathan

... Petitioner

Vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.
- 3.The Additional Secretary and
Commissioner of Land Administration,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.
- 4.The Joint Secretary,
Department of Revenue and Disaster Management,
General Section,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.



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5.The District Collector,
Madurai District, Madurai - 625 020.

6.The District Revenue Officer,
Madurai District, Madurai - 625 020.

7.The Revenue Divisional Officer,
Office of District Collector,
Madurai District, Madurai - 625 020.

8.The Tahsildar,
Madurai South Taluk,
Office of District Collector,
Madurai - 625 020.

9.The Managing Trustee,
Thilagarajar College Charities,
Sri.M.Manickam Ramasamy,
Thiagarajar College of Engineering,
Thirupparankundram, Madurai - 625 005.

10.The Correspondent,
Sri Karumuthu T.Kannan,
Thiagarajar College of Engineering,
Thirupparankundram,
Madurai - 625 005.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct first to eighth respondents herein to resume the land in Survey No.660 to an extent of 2 Acres 57 Cents situated in Avaniapuram Village, Madurai South Taluk, Madurai District which is in the possession and enjoyment of the ninth and tenth respondents to re-grant the said land to the petitioner as Managing Trustee of Sri Veilugandamman Temple at



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Thirupparankundram, Madurai District, within a time frame fixed by this Court.

For Petitioner : M/s.K.R.Shivashankari
For R1 to R8 : Mr.B.Saravanan
Additional Government Pleader
For R9 & R10 : Mr.VR.Shanmuganathan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first to eighth respondents to resume the land in Survey No.660 to an extent of 2 Acres 57 Cents which is in possession and enjoyment of the ninth and tenth respondents and to re-grant the land to the petitioner who claims himself to be the Managing Trustee of Sri Veilugandamman Temple, Thirupparankundram, Madurai District.

2. The case of the petitioner is that he is the Managing Trustee of the Temple. The further case of the petitioner is that Hindu Religious and Charitable Endowment Department (H.R. & C.E. Department) had intervened with the administration of the Temple and the same was challenged before Principal Seat of this Court in W.P.No.18608 of 2008. The petitioner claims that the said Writ Petition is still pending.



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3. The further case of the petitioner is that the subject property was acquired and it was handed over to the ninth and tenth respondents and the ninth and tenth respondents have not used the said property. Therefore, the petitioner wants the land to be resumed and handed over back to the Temple. A representation made by the petitioner in this regard did not evoke any response and therefore, the present Writ Petition has been filed before this Court.

4. The ninth and tenth respondents filed their counter affidavit. On going through the same, it is seen that the land was acquired under the Land Acquisition Act, 1894. That apart, the petitioner had earlier instituted various Writ Petitions before this Court and attempted to interfere with the land being enjoyed by the ninth and tenth respondents. All Writ Petitions came to be dismissed and it has been concealed in this Writ Petition. The ninth and tenth respondents have sought for dismissal of this Writ Petition.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first to eighth respondents and the learned counsel for the ninth and tenth respondents.



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6. This Writ Petition is a clear abuse of process of law. The petitioner has concealed material facts and has filed the present Writ Petition. The petitioner has not even mentioned in the affidavit filed in support of the present Writ Petition that the property was acquired long back. This acquisition had taken place nearly 60 years back. The petitioner is seeking for resumption of the land at this point of time. That apart, the petitioner had earlier filed Writ Petitions before this Court and all these Writ Petitions came to be dismissed. There is no reference regarding the earlier proceedings in the affidavit filed in support of the present Writ Petition. The petitioner is questioning the acquisition in one form or the other. In fact, there is no question of resumption of land which has been acquired under the Land Acquisition Act. Therefore, the very relief sought for by the petitioner in the present Writ Petition is misconceived. This Court does not find any merits in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed. No costs.

20.11.2023

Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order
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N.ANAND VENKATESH, J.

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