



W.M.P.No.3883 of 2024

in

W.P.No.5336 of 2014

S.M.SUBRAMANIAM,J.

This petition has been filed to recall the order dated 26.04.2023 made in W.P.No.5336 of 2014.

2. The learned counsel for the petitioner would mainly contend that, in paragraph 45 (4) of the order in W.P.No.5336 of 2014, this Court directed the District Collector to take possession and hand over the temple properties by invoking the power conferred under Section 41 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The following portion of the order is extracted hereunder:

“45.....

(4) After eviction of the members of the third respondent-Cooperative Society and the persons representing such members of the third respondent-Cooperative Society from the temple land, the District Collector shall hand over the entire property to the first respondent-Temple Authorities, who in turn is directed to deal with the Temple property in the manner contemplated under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act.”



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3. The learned counsel for the petitioner would submit that a portion of the land belongs to WAKF and they hold a Civil Court decree. In respect of any such claims of third parties, they are at liberty to approach the District Collector to establish their title or approach the Competent Court of law for the purpose of declaration of their title or otherwise. However, the writ petitions are decided based on merits, therefore, any person claiming title in respect of the immovable property has to establish such civil rights in the manner known to law.

4. Accordingly, the writ miscellaneous petition stands dismissed.

23.08.2024

shk



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