



WEB COPY



W.P.No.6426 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.6426 of 2020

and

WMP.No.7593 of 2020

K.Nazeem

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nungambakkam, Chennai - 600 034.
 3. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai - 625 001.
 4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai - 625 001.
 5. The Assistant Commissioner /
Executive Officer,
Arulmigu Koodalalagar Temple,
Madurai - 625 001.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Direction, calling for the records relating to the order in



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G.O.(Nilai)No.69, dated 25.02.2020, Tourism, Culture and religious Endowments (Aa.Ni.5-1) Department, on the file of the first respondent herein and to quash the same.

For Petitioner : Mr.D.Venkateswara Rao
For Respondents : Mr.N.R.R.Arun Natarajan

ORDER

The petitioner filed this writ petition challenging the order passed by the first respondent dismissing the second revision filed by the petitioner under section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act 1955.

2. It is seen from the averment contained in the affidavit and related papers, the third respondent initiated proceedings under section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, seeking eviction of the petitioner from the subject property belonged to the fifth respondent temple by treating the petitioner as an encroacher. The eviction proceedings initiated by the third respondent culminated in passing eviction order. Against the said order, challenging the petitioner filed revision before the first respondent and the same was dismissed. Aggrieved by the same, the petitioner filed second



revision before the first respondent under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, and the same was also dismissed on merits. Aggrieved by the same, the petitioner is before this Court.

3. It is brought to the notice of this Court by the learned Special Government Pleader appearing for the respondents that the fifth respondent temple filed a suit for recovery of possession of the subject property in O.S.No.693 of 1995 on the file of the District Munsif Court, Madurai and the same was decreed. In order to execute the said decree, E.P.No.5/2002 was filed on the file of the Additional District Munsif Court, Madurai and possession was delivered to the fifth respondent. Recording the same, the EP was closed on 21.11.2005. In the execution proceedings, the petitioner claiming himself as sub lessee under Judgment Debtor filed an obstruction petition in EA.No.517 of 2002 and the said petition was dismissed. The said order was confirmed by this court in CRP.(MD) 35 of 2005. Therefore, subsequently, the possession was handed over to the fifth respondent. Since the decree for eviction obtained by the fifth respondent was already executed and possession of the subject property was taken over by the fifth respondent through Civil Court, the writ petition challenging the impugned order becomes infructuous. Accordingly, this writ petition is dismissed as having



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become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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