



W.P.No.8784 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

Writ Petition No.8784 of 2020
and
WMP.No.10660 of 2020

T. Elayaraja

.. Petitioner

Versus

1. The Commissioner of HR & CE,
Nungambakkam, Chennai - 34.
2. The District Collector,
Tiruvarur District.
3. The Tahsildar, Valangaiman Taluk,
Tiruvarur District.
4. The Block Development Officer,
Valangaiman Panchayat Union,
Tiruvarur District.
5. The President / Executive Authority,
Kottaiyur Village Panchayat,
Valangaiman Taluk,
Tiruvarur District.
6. A/m Adhimeeswarar @ Agastheeswarar Temple,
Rep. by its Fit Person, Kottaiyur,
Valangaiman Taluk, Thiruvarur District.
7. K.Mathi
8. K.Selvam
9. U.Alagan
10. S.Ramachandran
11. S.Kannan

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 to 11 and their men subordinates or any other persons/ officials claiming right through them, from dispossessing me from the land comprised survey numbers 2/8 and 2/9 in Kottayur Village in Valangaiman Taluk, Tiruvarur District by making any construction or in any other manner.

For Petitioner	: Mr.R.Neelakandan
For R1	: Mr.K.Karthikeyan Government Advocate
For R2 to R5	: Mr.V.Jeevagiridharan, Additional Government Pleader
For R6	: Mr.R.Bharaidharan

ORDER

The petitioner herein seeks a Writ of Mandamus forbearing the respondents 2 to 11 from dispossessing him from the land comprised in survey numbers 2/8 and 2/9 in Kottayur Village in Valangaiman Taluk, Tiruvarur District.

2. It is the case of the petitioner that he is the lessee of the agricultural land comprised in the above mentioned survey Nos. 2/8 and 2/9 belonged to the fifth respondent temple. The respondents 7 to 11, at the



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instigation of the other respondents, attempted to put up construction in the lessee hold lands of the petitioner. Therefore, the petitioner is before this Court with the above mentioned prayer.

3. The sixth respondent has filed a counter affidavit stating that the subject property was given to the service holder of the temple and when the land was sought to be utilised for constructing a overhead tank, the service holder has handed over the portion of the land to the temple. While so, the petitioner, claiming himself to be the lessee had objected to the construction of the overhead temple and also filed the present writ petition. It is also stated by 6th respondent that there is no valid approved lease with the petitioner.

4. The petitioner has not produced any materials show under whom he is a lessee or tenant. He has also not produced lease agreement with temple. Though, the petitioner produced a certificate from VAO describing the petitioner as a tenant, in the absence of any material to show that there was lease agreement between the petitioner and the sixth respondent temple, the objection put forth by the petitioner cannot be taken into consideration. Whether the petitioner is a lessee under the sixth respondent or not is a



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disputed question of fact, which cannot be gone into by this Court in this writ petition. It is open to the petitioner to work out his remedy before the competent forum in a manner known to law. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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