



W.P.No.38063 of 2016

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

Writ Petition No.38063 of 2016
and
W.M.P.Nos.11037, 11038 of 2018
and
W.M.P.Nos.21842 & 21843 of 2021

D. Thirunavukkarasu

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Trust, Fort St. George,
Chennai-600 009.
2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Trust (HR & CE),
Dr. Balasundaram Road,
Coimbatore-641 018.
Coimbatore District.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE).
Veeraragava Perumal Kovil Campus,
Tiruppur,
Tiruppur District.



W.P.No.38063 of 2016

WEB COPY

4. The Executive Officer,
Arulmigu Sree Avinashi
Lingaeswarar Temple,
Avinashi-641 654, Tiruppur District.
5. The District Collector,
Collectorate Building,
Tiruppur 641 604, Tiruppur District.
6. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
7. The Deputy Superintendent of Police,
Avinashi, Tiruppur District.
8. The Tahsildar,
Avinashi, Tiruppur District.
9. P. Boopathi Raj
10. N.Palanisamy

...Respondents

R10 is impleaded vide order dated 09.11.2016 in WMP.No.33591 of 2016 by BRJ.

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records relating to the impugned proceeding issued by the 6th respondent Revenue Divisional Officer in Na.Ka. No.1424/16/A1 dated 25.10.2016 and quash the same.

For the Petitioner

Mr. P.Godson Swaminath

For the Respondents

Mr. K.Karthikeyan

Government Advocate for R1 to R3

Mr.Hema Sampath

Senior Advocate,
for M/s.R.Meena for R4



W.P.No.38063 of 2016

WEB COPY

For the Petitioner

Mr. P.Godson Swaminath

Mr.U.Baranidharan,
Additional Government Pleader
for R5 to R8

ORDER

Assailing the proceedings dated 25.10.2016 issued by the sixth respondent (Revenue Divisional Officer) directing the eighth respondent (Tahsildar) to lock and seal the two Kalyana Mandapams namely Karunambiga and Avinasiappar Mandapams, till the disposal of the Appeal suit before the Civil Court and the application before the Joint Commissioner, Hindu Religios and Charitable Endowments Trust (HR & CE), Coimbatore, present Writ Petition has been filed.

2. The main ground of challenge to the proceedings dated 25.10.2016 is that when the matter is *sub judice* before the Civil Court, the sixth respondent has no authority to issue a lock and seal notice.



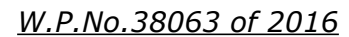
W.P.No.38063 of 2016

WEB COPY

3. Much water has flown since the filing of this Writ Petition. It is not in dispute that the petitioner herein and the fourth respondent (Executive Officer, Arulmigu Sree Avinashi Lingaeswarar Temple) are both parties to the Civil Court proceedings.

4. When the matter is taken up for hearing today, a copy of the judgment passed by this Court in S.A.No.310 of 2017 dated 21.12.2023, has been produced.

5. A perusal of the said judgment dated 21.12.2023 makes it clear that the issue involved was relating to declaration of title and mandatory injunction, which was claimed by the petitioner herein. It is also not in dispute that the said claim made by the petitioner herein was rejected by the Trial Court and affirmed by the Appellate Court and ultimately, the said view found favour with the High Court in the Second Appeal and the fourth respondent was held to be the title holder of the said property.



8. Once the title is declared in favour of the fourth respondent (Temple), the claim of the petitioner seeking possession is unsustainable.



W.P.No.38063 of 2016

WEB COPY

9. For the foregoing reasons, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.08.2024

Index : Yes/No
Neutral Citation : Yes/No

jai

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Trust, Fort St. George,
Chennai-600 009.
2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Trust (HR & CE),
Dr. Balasundaram Road,
Coimbatore-641 018.
Coimbatore District.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE).
Veeraragava Perumal Kovil Campus,
Tiruppur, Tiruppur District.

Page 6 of 8



W.P.No.38063 of 2016

WEB COPY

4. The Executive Officer,
Arulmigu Sree Avinashi
Lingaeswarar Temple,
Avinashi-641 654,
Tiruppur District.
5. The District Collector,
Collectorate Building,
Tiruppur 641 604.
Tiruppur District.
6. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
7. The Deputy Superintendent of Police,
Avinashi, Tiruppur District.
8. The Tahsildar,
Avinashi, Tiruppur District.



WEB COPY



W.P.No.38063 of 2016

M.DHANDAPANI, J.

jai

Writ Petition No.38063 of 2016

30.08.2024