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W.P.No. 19507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.19507 of 2024 and

W.M.P.No.21364 of 2024

Melmaruvathur Adiparasakthi Siddar
Sakthi Peedam, Perundurai,
Represented by its President,
S.Ilango,
S/o M.C. Subranmaniam,
Om Sakthi Koil Veedhi
Perundurai, erode – 638 052

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable Endowment Admin Department,
Uthmar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Admin Department,
Erode Division, Door No.20F, Chinnamuthu Veedhi,
Perundurai Road, Erode – 638 001.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Admin Department,
Erode Division, Ex-Serviceman Complex,
Erode-638 001.



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4. The Fit person,
A/m Angalamman Temple,
Perundurai Taluk,
Erode District.
Also,
The Executive Officer,
A/m Sellandiamman Temple,
Perundurai Taluk,
Erode District.

5. P. Nallasamy

6. N. Vaiyapuri

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus forbearing the respondents 2 to 4 from taking any coercive action to dispossess the petitioner institution from the property measuring 18 cents comprised in O.S.No.838/6, N.S.No.1151/6, Om Sakthi Koil Veedhi, Perundurai Village and Taluk, Erode District – 638 052, till the disposal of the Revision Petition in R.P.No.206 of 2024 pending with the first respondent filed against order dated 06.06.2024 of the second respondent made in Na.Ka.No.2492/2023/A1 and pass orders.



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For Petitioner : Mr.V. Srikanth

For Respondents 1 -4 : Mr. K. Karthikeyan
Government Advocate

ORDER

This petition is filed to seeking to issue a writ of Mandamus forbearing the respondents 2 to 4 from taking any coercive action to dispossess the petitioner institution from the property measuring 18 cents comprised in O.S.No.838/6, N.S.No.1151/6, Om Sakthi Koil Veedhi, Perundurai Village and Taluk, ERode District – 638 052, till the disposal of the Revision Petition in R.P.No.206 of 2024 pending with the first respondent filed against order dated 06.06.2024 of the second respondent made in Na.Ka.No.2492/2023/A1

2. Mr.K. Karthikeyan, Government Advocate takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



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3. Since no adverse orders has been passed against the fifth and sixth respondents notice to fifth and sixth respondents dispensed with.

4. The facts of the case is that the petitioner's Sakthi Peedam is situated in O.S.No.838/6.N.S.No.1151/6, Perundurai Village and Taluk, Erode District and the land surrounding the above temple is classified as Natham Porombokku. The 6th respondent herein made a complaint stating that 18 cents of the land which is in occupation of our institution belongs to the 4th respondent temple. Pursuant to which The Tahsildar, Perundurai vide order dated 12.03.2023 in Na.Ka.No.9258/2016/A8 held that the above land forms part of the land under the possession of 4th respondent temple. Aggrieved over the same, the petitioner's institution preferred a Revision Petition before the Revenue Divisional Officer, Erode, who inturn passed an order in Na.Ka.No.1553/2018/A1, wherein the above order of the Tahsildar has set aside and held that the entire land of 0.21.00(52 cents) comprised in S.No.1151/6 is Sarkar Porompokku land and 18 cents out of the said extent is in occupation of our institution with clear fencing and boundaries. Challenging the said order the 6th



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respondent herein filed W.P.No.15737 of 2018 and this Court disposed of the writ petition granting liberty to the petitioner to approach the second respondent herein to consider the claim of the petitioner. This Court has not set aside the order passed by the R.D.O in Na.Ka.No.1553/2018/A1 in the above Writ Petition. Due to which the 6th respondent approached the second respondent regarding the said issue. Thereafter, the second respondent without conducting any enquiry passed an order on 06.06.2024 in Na.Ka.No.2492/2023/A1, wherein it was held that the petitioner's institution is in unlawful occupation of 18 cents belonging to the 4th respondent temple and called upon the petitioner to vacate the premises within 15 days from the date of receipt of a copy of this order. Challenging the said order, the petitioner has filed a Revision Petition in R.P.No.206 of 2024 before the first respondent and the same is pending. Hence, this petition.

5. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent not to take any coercive action against the petitioner's institution till the disposal of the Revision petition No. 206 of 2024.



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6. The learned Special Government Advocate appearing for the respondents submitted that they will not take any coercive action against the petitioner's institution till the disposal of the Revision petition No.206 of 2024 and will dispose the Revision petition No. 206 of 2024 as early as possible.

7. Heard both sides and perused the materials available on record.

8. Considering the facts and circumstances of the case the respondents 2 to 4 are directed not to take any coercive action against the petitioner's institution and dispossess the petitioner's institution from the subject property till the disposal of the Revision Petition in R.P.No.206 of 2024 which is pending with the first respondent

9. With the aforesaid direction, this Writ Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

09.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No



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Index : Yes/No
smn

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Admin Department,
Uthmar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Admin Department,
Erode Division, Door No.20F, Chinnamuthu Veedhi,
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V.BHAVANI SUBBAROYAN, J.

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