



W.P.No.36782 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36782 of 2024

A/M. Sri Seetharamasamy Devasthanam
Rep by its Executive Trustee,
T.S.Ramakrishnan, Pushpagiri Agraharam,
Punkunnam- 680 002,
Tiripur District, Kerala State.

...Petitioner

Vs.

1.The District Collector
Coimbatore District,
Coimbatore.

2.The Tahsildar
Aanamalai Taluk,
Coimbatore District.

3.The Zonal Deputy Tahsildar
Aanamalai Taluk,
Coimbatore District.



W.P.No.36782 of 2024

4.The Inspector of Police
Aanamalai Police Station,
Aanamalai taluk,
Coimbatore district.

5.The Revenue Court /
Special Deputy Collector, Tiruchirapalli.

6.Bakkiyam

7.G.Pateeswaran

8.G.Arumugam

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus directing the respondents 1 to 4 to evict the respondents 6 to 8 from the subject matter lands measuring 8.80 acres comprised in S.Nos. 446, 446A, 447, 451, 469A and 469C, Kaliyapuram Village, Aanamalai Taluk, Coimbatore District, as per the order dated 29.01.2024 made in OP.No. 214/ 2014 (Coimbatore) passed by the 5th respondent by considering the petitioner's representation dated 10.10.2024.



W.P.No.36782 of 2024

For Petitioner : Mr. R.T.Vishnu
For Respondents : Mr. A.Selvendran
1 to 3 & 5 Special Government Pleader.
For Respondent 4: Mr. R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner seeks a mandamus to respondents 1 to 4 to evict the respondents 6 to 8 from the subject property as per order dated 29.01.2024 in O.P.No.214 of 2014 (Coimbatore), passed by the 5th respondent.

2. The petitioner's case is that the subject property belongs to the petitioner Temple. The subject property which is a cultivable land is situate in S.Nos.446, 446A, 447, 451, 469A, 469C, Kaliyapuram Village, Aanamalai Taluk, Coimbatore District, has been let out to tenants who have been cultivating paddy. They have been paying rents in the form of paddy. One Krishnasamy Pillai was the original tenant. On his death, respondents 6 to 8 who are his legal heirs were inducted



W.P.No.36782 of 2027

as a tenants.

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3. The respondents 6 to 8 have filed TRP.No.14 of 2008, dated 18.07.2012 and had registered tenancy. Thereafter, with the efflux of time, the rent was being paid in cash instead of paddy. However, now respondents 6 to 8 have planted coconut trees and are cultivating sugarcane, betel leaf and other crops instead of paddy.

4. It is also come to the attention of the petitioner that the respondents 6 to 8 have also permitted cinema shooting in the premises without the permission of the petitioner Temple. Therefore, the Temple had filed a petition under Section 19 (2) (b) of the Tamil Nadu Public Trusts (Regulation of Administration of Cultivable Lands), Act, 1961, seeking eviction of respondents 6 to 8, before the 5th respondent.

5. The petition was taken up on file as O.P.No.214 of 2014. After contest, the petition was allowed and respondents 6 to 8 were directed to handover possession to the petitioner within 7 days. This



W.P.No.36782 of 2024

order was communicated to the 2nd respondent by the 5th respondent.

On receipt of the order dated 29.01.2024, the 2nd respondent had communicated to the respondents 6 to 8 to handover possession of the subject property vide their letter dated 06.02.2024. They had also deputed the 3rd respondent to evict the respondents 6 to 8. However, there is no progress in this regard.

6. The petitioner has met the respondents 2 and 3 in person and requested them to evict the respondents 6 to 8. However, all the requests fallen on deaf ears. Therefore, a written representation dated 10.10.2024 was sent to the 2nd respondent, requesting him to take appropriate action. Since there is no progress on his representation, the petitioner is before this Court.

7. Heard the learned counsels on the either side and perused the records.



W.P.No.36782 of 2024

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8. The petitioner who got an order of eviction dated 29.01.2024 has not been able to get recovery of possession on account of the indifferences shown by the respondents 1 to 4. The respondents have abdicated their statutory duty. Therefore, a mandamus is issued to the respondents 1 to 4 to consider the representation dated 10.10.2024 and take steps to evict the respondents 6 to 8 within a period of 2 months, from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is allowed. No costs.

09.12.2024

Index : Yes/No
Internet : Yes/No
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W.P.No.36782 of 2024

WEB COPY

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W.P.No.36782 of 2024

P.T. ASHA, J,

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W.P.No. 36782 of 2024

09.12.2024