



W.P.No.21433 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

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

W.P.No.21433 of 2014
and M.P.No.1 of 2014

T.N. Gomathi

.. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious and Charitable Endowmnet,
Salem -1.

2. The Assistant Commissioner/Executive Officer,
Thirupani Special Officer,
Arulmigu Arthanareeswarar Thirukoil,
Tiruchengode.

3. T.A. Sethupathi Ramalingam

...Respondents

Prayer: This petition is filed under article 226 of constitution of India to issue a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Mu.Mu.2042/2014/A2 dated 10.07.2014 and quash the same and pass orders.



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For Petitioner : Mr.A. yogaraj

For Respondents 1 and 2 : Mr.S. Ravichandran
Additional Government Pleader

For Respondent 3 : Mr.M. Devaraj

ORDER

This petition is filed to issue a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Mu.Mu.2042/2014/A2 dated 10.07.2014 and quash the same.

2. The case of the petitioner is that the petitioner is residing near the Periya Onkaliamman Thrukoil (herein after referred to as the temple), Trichengode Taluk, Namakkal District. The sum and substance of the case is that in the subject property there was no compound wall in the southern side house and the petitioner only constructed the wall. Thereafter, the temple's compound wall was constructed by joining with petitioner's southern wall. When this being the case the third respondent is claiming right over the said compound wall and initiated a suit against the petitioner in O.S.No.261 of 1998 before the District Munsif Court at Tiruchengode. It was to the shock and surprise to the petitioner that all of



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sudden the first respondent had passed the order dated 10.07.2014 in Mu.Mu.2042/2014/A2 wherein it was ordered to demolish the compound wall of the 3rd respondent's temple, which has give rise to this petition.

3. The learned counsel for the petitioner submitted that the third respondent had already filed a original suit before the Principal District Court, Thiruchengode and the same was dismissed vide order dated 31.10.2019. He further submitted that the third respondent has no right over the said compound wall. Hence, prays to allow this petition.

4. The learned Additional Government Pleader submitted that the Court below without proper appreciation of facts have dismissed the O.S.No.261 of 1998, which needs interference by this Court.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. On a perusal of records it is seen that the community people has



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filed O.A.No.25 of 2005 before the first respondent for framing scheme and the same was pending the third respondent has filed a impleading application in the said O.A.No.25 of 2005 to declare the temple as public temple and the same was dismissed. Thereafter, the community people filed W.P.No.30892 of 2013 seeking to allow the impleading petition and also filed W.P.No.8532 of 2014 to prevent the respondents 6 to 9 from conducting yearly Panguni kundam festival. However, both the petitions were dismissed vide order dated 16.03.2018. Hence, it is made clear that the 3rd respondent has got no favourable orders from this Court and he does not have any merits in his case, due to which the above petitions were dismissed.

7. Further more the third respondent temple has already filed O.S.No.261 of 1998 before the Principal District Court, Thiruchengode with regard to demolishing the compound wall and the same was dismissed on 31.10.2019. On going through the order passed by the learned Judge Principal District Court, Thiruchengode it is seen that after proper appreciation of all the relevant documents they have concluded that the third respondent does not have any right over the said compound



8. In view of the order passed in O.S.No.261 of 1998 by the Principal District Court, Thiruchengode it is made clear that only the petitioner has constructed the compound wall. Accordingly this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

12.04.2024

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

To

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2. The Assistant Commissioner/Executive Officer,
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V.BHAVANI SUBBAROYAN, J.

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