



W.P.(MD) Nos.171 to 173 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) Nos.171 to 173 of 2024
and W.M.P.(MD) Nos.196, 199 and 200 of 2024**

M.Chandrasekaran	... Petitioner in W.P.(MD) No.171 of 2024
M.K.Nadarajan	... Petitioner in W.P.(MD) No.172 of 2024
P.Chelladurai	... Petitioner in W.P.(MD) No.173 of 2024

-vs-

- 1.The Joint Commissioner,
Hindu Religious Charitable and Endowment Board,
Madurai – 1.
 - 2.The Assistant Commissioner,
Hindu Religious Charitable and Endowment Board,
Dindigul.
 - 3.The Executive Officer and Joint Commissioner,
Representing Arulmigu Dhandayuthapani Swami Thirukovil,
Adivaram, Palani,
Dindigul District.
- ... Respondents in these Writ Petitions



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COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioner from the property comprised in Survey No. 864 at ward No. 3, Block No. 20, Adivaram, Palani, Dindigul District except due process of law.

For Petitioner in all: Mr.T.Leninkumar
the Writ Petitions

For Respondents in: Mr.S.P.Maharajan
the Writ Petitions Special Government Pleader for R1 & R2

Mr.K.Govindarajan
Standing Counsel for R3

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These Writ Petitions have been filed for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from the property comprised in Survey No. 864 at ward No. 3, Block No. 20, Adivaram, Palani, Dindigul District, except due process of law.

2. According to the petitioners, they are in possession and enjoyment of a portion of the property comprised in S.Nos.877/2A and 864 at ward No. 3,



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Block No. 20, Adivaram, Palani, Dindigul District. The petitioners have been in possession of the shops in question.

3. Admittedly, a suit has been filed in O.S.No.163 of 1975 by 16 persons for the relief of permanent injunction before the Sub Court, Dindigul. The said suit was dismissed on 13.12.1975. Challenging the said judgment and decree, they filed appeal in A.S.No.61 of 1978, before the Additional District Court, Madurai and the said appeal suit also came to be dismissed on 22.02.1979. Aggrieved by the said judgment and decree, they also preferred Second Appeal in S.A.No.880 of 1983 before the Principal Seat of this Court and the same was also dismissed confirming the order of the trial Court as well as the appellate Court. Against that, they approached the Hon'ble Supreme Court by filing Special Leave Petition and the same also was dismissed on 11.12.2023. Therefore, the petitioner is unsuccessful in getting the relief from the Civil Court and once again the authority concerned has now issued a direction for removal of encroachment from the aforesaid property. Challenging the same, the present Writ Petitions have been filed.



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4. We are of the view that it is for the authority concerned to take necessary action for removal of encroachment, since the petitioners have exhausted their remedy before the civil forum. Considering the prayer sought for, we cannot grant any relief to the petitioner based on the materials produced before this Court. Therefore, in these Writ Petitions, we are not inclined to grant the relief to the petitioners.

5. Accordingly, the Writ Petition is dismissed. No costs.
Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
05.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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and
R.VIJAYAKUMAR, J.

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