



**W.P.(MD)Nos.3940 of 2020, 10430 and 10050
of 2024**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)Nos.3940 of 2020, 10430 and 10050 of 2024
and
W.M.P(MD)Nos.3328, 9584, 9392, 9393, 9088, 11178 and 11179 of
2024**

W.P.(MD)No.3940 of 2020

A.Sekar

...Petitioner

-VS-

- 1.The District Collector,
Tiruchirappalli District,
Collectorate Campus,
Tiruchirappalli.
- 2.The Commissioner,
Tiruchirappalli Municipal Corporation,
Tiruchirappalli-1.
- 3.The Member / Secretary,
Local Planning Authority,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli 23.
- 4.The Executive Officer /
Joint Commissioner,
Arulmighu Sri Ranganathasamy Temple,
Srirangam, Tiruchirappalli-6.
- 5.Sumathi
- 6.Singaperumal Iyyar



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7.Niranjan Babu

8.Rengachari

9.Rengarajan

... Respondents

*(Respondents 8 and 9 are impleaded as per orders in W.M.P.
(MD)Nos.8713 and 8714 of 2024 dated 29.04.2024)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations made on 27.09.2019 and to take necessary and proper action against the respondents 5 to 7 under the provisions of the Tamil Nadu Town and Country Planning Act and Tiruchirappalli Municipal Corporation Act.

For Petitioner	: No appearance
For R-1 & R-3	: Mr.S.P.Maharajan, Special Government Pleader
For R-2	: M/s.R.B Law Associates
For R-4	: Mr.M.Saravanan
For R-5	: Mr.P.Ganapathi Subramanian
For R-6 & R-7	: No appearance
For R-8 & R-9	: Mr.Raguvaran Gopalan

W.P.(MD)No.10430 of 2024

Sumathi

...Petitioner

-vs-

The Executive Officer /
Joint Commissioner,



**W.P.(MD)Nos.3940 of 2020, 10430 and 10050
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Arulmighu Sri Ranganathasamy Temple,
Srirangam, Tiruchirappalli-6.

... Respondent

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioarified Mandamus, to call for the records of the respondent in Na.Ka.2821/1429/P6/1 dated 21.04.2024 and set aside the same as illegal and arbitrary and in consequence thereof forbear the respondent from interfering with the peaceful possession of the petitioner's house in T.S.No.1797/1, Srirangam, Trichy.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.M.Saravanan

W.P.(MD)No.10050 of 2024

K.Rengachari

...Petitioner

-VS-

The Joint Commissioner/
Executive Officer,
Arulmighu Sri Ranganathasamy Temple,
Srirangam, Tiruchirappalli-620 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioarified Mandamus, to call for the records leading to the issuance of the Notice bearing No.Na.Ka. 2821/1429/B6/1 issued by the respondent dated 17.04.2024 and quash the same and consequently forbear the respondent from in any manner interfering with the peaceful possession of the petitioner's property at No. 28/6, South Uthra Street, Srirangam, Tiruchirappalli-620 006.

For Petitioner : Mr.B.Arvind Srevatsa



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For Respondent : Mr.M.Saravanan

COMMON ORDER

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

W.M.P.(MD)Nos.11178 and 11179 of 2024, these two petitions have been filed to issue an order of interim direction to the respondents 2, 3 and 5 not to give effect to the order dated 02.04.2024 in W.P.(MD)No.3940 of 2020.

2. In W.P.(MD)No.3940 of 2020, this Court had passed an order on 02.04.2024, based on the submission of the learned counsel for the 4th respondent temple that the temple will take action to remove the encroachers. Contending that this order was passed behind their back and they were not made parties to the writ petition, though the address where they are residing was given as residence of two other individuals by name, Singaperumal Iyer and Niranjan Babu.

3. The fact that the petitioners in these two miscellaneous petitions are residing in the addresses given in the main writ petition is not being disputed. We are satisfied with the reasons assigned in the affidavit filed in support of the petition to the effect that the main title dispute is actually



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pending in the form of Special Leave Petitions before the Hon'ble Supreme Court in S.L.P.(Civil) Nos.1612 to 1616 of 2024. The Hon'ble Supreme Court has also granted an interim order on 16.01.2024, staying the operation of the orders passed in Special Tribunal Appeals No.1 of 2002 batch, by this Court, dated 03.03.2023. It is also the contention of Mr.Raguvaran Gopalan, learned counsel for the petitioner that the order of the Inam Tribunal which is made in C.M.A.Nos.30 of 1978 etc, which are being relied upon by the temple to clean title to the lands in question are *void ab initio* as an appeal against the order of the settlement Tahsildar itself is not contemplated under the Act.

4. We do not propose to delve into the said question as the entire question of the title is being examined by the Hon'ble Supreme Court in the pending Special Leave Petitions. We further find that in W.P.(MD)No.3940 of 2020, the prayer was to take action under the Town and Country Planning Act on the ground that the structures were unauthorized structures. The structures are unauthorized structures because of the fact that the temple which claims paramount title is objecting to the grant of planning permission. Many of the structures in the three outer prakarams of the temple are unauthorized, since approvals were not issued, because of the objections made by the temple. This Court had earlier passed orders directing the authorities to go slow on the aspect of planning approval, since the title dispute is still pending. The same would be applied to the



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present petition also.

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5. We however, find that the temple has been directed to take action for eviction of the petitioners considering them as encroachers. Originally, the settlement Tahsildar had in fact granted Patta for the building in the name of the occupants and the right of the temple to collect rent has also been specifically considered and negated. The orders of the settlement Tahsildar were reversed in the Inam C.M.As. It is the contention of the petitioner that the Inam C.M.As. itself are not maintainable and reliance in that regard is placed on the judgment in ***Salini Ammal and others .vs. Sri Vedharanyaswamy Devasthanam reported in 1997 (2) Law Weekly 320 and Sri Vedharanyaswamy Devasthanam .vs. A.C.Dharma Devi and others reported in AIR 1996 (7) SCC 467.*** Mr.Raguvaran Gopalan would also submit that a judgment of the Tribunal without jurisdiction is *void ab initio* and it can be ignored by the Court relying upon the judgment reported in ***2002 (9) SCC 2020***, we do not propose to pronounce on that aspect since the question of title is pending before the Hon'ble Supreme Court. Therefore, the order dated 02.04.2024 is recalled and W.P.(MD)No.3940 of 2020 will stand dismissed. W.M.P. (MD)Nos.11178 and 11179 of 2024 are allowed for the reasons stated above.

6. W.P.(MD)Nos.10050 and 10430 of 2024:



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Challenge in these two writ petitions is to the notice issued by the Joint Commissioner / Executive Officer, Arulmigu Sri Ranganathaswamy Temple, Srirangam, dated 18.06.2024 issued pursuant to the order in W.P. (MD)No.3940 of 2020, seeking eviction of the respective petitioners.

7. A counter affidavit has been filed by the Joint Commissioner and the Executive Officer of Arulmigu Sri Ranganathaswamy Temple, Srirangam, wherein it is claimed that, in view of the orders passed in Inam C.M.A.Nos.1119 of 1979 and 30 of 1978, the property vested in the temple. It is contended by the petitioners that the order of the Inam Tribunal is invalid since the appeals itself were incompetent.

8. We find that we cannot pronounce on that at this stage since the question of title is already pending before the Hon'ble Supreme Court and any decision of the Hon'ble Supreme Court on the question of title will have a direct bearing in these cases also. We therefore, find that it will be in the best interest of the parties to await the disposal of the appeals by the Hon'ble Supreme Court so that the question of title is finally decided before the parties to proceed further. Hence, the impugned notices in these two writ petitions are quashed. There will be a direction to the respondents to await the disposal of the Special Leave Petitions which are pending wherein there is an order of stay of operation of the judgment of this Court which had declared the title of the temple to other lands in the vicinity.



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9. With the above observations, these writ petitions are disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

13.08.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn/Sml

To

- 1.The District Collector,
Tiruchirappalli District,
Collectorate Campus,
Tiruchirappalli.
- 2.The Member / Secretary,
Local Planning Authority,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli 23.



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**R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.**

Mrn / Sml

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