



WP(MD) No.5833 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5833 of 2024

J.Sundarrajan

... Petitioner

/vs./

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

2.The Inspector of Police,
Austinpatti Police Station,
Austinpatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider the Petitioner's representation dated 18.02.2024, within the time frame fixed by this Court.

For Petitioner : Mr.J.Padhmaavathi Devi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the Respondents to consider the Petitioner's representation dated 18.02.2024.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is the Managing Trustee and Poosari along with 11 others of Arulmigu Veyilugandamman Kovil situated at Thirupparankundram Village, Madurai District. The said Temple owns the property in Survey Nos.177, 194/4, 576/1 and 399/B. In the said property, an extent of 78 cents in Survey No.177, a portion of the property was taken by the Railway Line and the remaining extent of about 25 cents is available with the Temple. The Temple is also situated in the land in Survey No.199/4 to an extent of 38 cents. The property in Survey No.576/1 having an extent of 2.28 acres stands in the name of the said Temple. The land in Survey No.660 was taken over by the Government for the purpose of running an Educational Institution. No compensation was paid to the Temple. The properties in S.No.127/1 and 110/7 were acquired by Madurai Co-operative Society, for construction of houses and the compensation given towards acquisition was utilized for purchasing the property under S.No.293



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with an extent of 3.66 acres in the name of the Temple by a sale deed executed in favour of one Shanmugam Poosari and others. Also an extent of 50 cents was also gifted in the name of poojaries, by gift deed dated 18.11.1950 and Old Survey No.293 has been re-surveyed as Survey Nos.283/2A, 283/2B and 283/2C. The dispute is with regard to Survey Nos.283/2A, 283/2B and 283/2C. These properties are situated at Nilayoor II Bit, Thirupparankundram Village, was purchased only in the name of Arulmigu Veyilugandamman Temple. Subsequently, it was resurveyed during which Arulmigu Meenakshi Sundareswarar Devasthanam was included in the said survey numbers, without giving notice to the Managing Trustee of Arulmigu Veyilugandamman Temple. Re-survey Nos. 283/2B and 283/2C stood in the name of Meenakshi Sundareswarar Devasthanam and Resurvey No. 283/2A stands in the name of Krishnan, Son of Palaniyandi. Earlier, the Petitioner had filed Writ Petition in W.P.(MD).No.3093 of 2009 before this Court and in the said Writ Petition, the Petitioner marked the order of stay obtained in W.P.No.18608 of 2008 challenging the order of the Commissioner, H.R and C.E., Chennai transferring and grouping Arulmigu Veyilugandamman Temple with Arulmigu Subramania Swamy Devasthanam, Thirupparankundram. But Arulmigu Meenakshi Sundareswarar Devasthanam itself has not taken charge of the Temple and



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further the said Devasthanam had filed a suit in O.S.No.95 of 1983, which was dismissed by the Sub Court, Madurai. The possession and enjoyment of the said land in dispute is still with the Arulmigu Veyilugandamman Temple, Thirupparankundram. The Joint Commissioner of HR and CE Department, sent a letter dated 11.02.2009 expressing that there is no objection to change the patta of the property in dispute in the name of Arulmigu Veyilugandamman Temple. Hence, the patta was transferred in the name of Veyilugandamman Temple on 16.03.2015 by the Tahsildar, Madurai South. While so, the said property was leased out to one Kanda Thevar Son of Velu Thevar and Velu Thevar, Son of Aandi Thevar and the same was cancelled by the trustees of the Temple. The son-in-law of the said Kanda Thevar viz., Sethuraman illegally trespassed into the property in dispute at Nilayur Village. The Petitioner preferred a complaint with the second Respondent. The second Respondent had not registered any case. He therefore threatening the Petitioner and other trustees with dire consequences, if the Petitioner initiate any action against him. Therefore, the Petitioner was forced to file this Writ Petition seeking direction against the Respondents to consider the Petitioner's representation dated 18.02.2024.



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3. The learned Government Advocate (Criminal Side) on instructions from the Respondents would submit that the subject matter is purely civil in nature. The Petitioner had not appeared before the second Respondent and had not filed any petition. However, the learned Counsel for the Petitioner claims that the Petitioner appeared in the year 2018 and subsequently, he has not appeared. Also, the learned Government Advocate (Criminal Side) submits that the Respondents are ready to take action as per the circular of Director General of Police, Tamil Nadu / Head of State Police Force, Tamil Nadu.

4. Considering the long period of entitlement of the Petitioner and the persons claiming to have trespassed into the property in 2018 and still in possession, the Petitioner is directed to approach the Civil Court for appropriate relief as per law, only then he can seek Police protection.

5. With the above direction, this Writ Petition is disposed of. No costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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