



W.P(MD)No.9294 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

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

**W.P(MD)No.9294 of 2023
and
W.M.P(MD)No.8340 of 2023**

Gandhi Nagar Residents Welfare Association,
Registration No.SRG/Trichy/39/2023,
Represented by its Secretary,
Manickam,
Gandhi Nagar,
Gundur,
Tiruchirappalli – 620 007.

... Petitioner

vs.

- 1.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.
- 2.The Tahsildar,
Thiruverumbur Taluk,
Tiruchirappalli – 13.
- 3.The Block Development Officer (Village Panchayat),
Thiruverumbur Panchayat Union,
Thiruverumbur,
Tiruchirappalli – 13.



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4.The President,
Gundur Panchayat,
Gundur,
Tiruchirappalli – 7.

5.The Chairman,
MIET Group of Institutions,
Tiruchirappalli, Pudukkottai Road,
Gundur,
Tiruchirappalli – 7.

6.B.Shanthi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from evicting Sri Vinai Theerkkum Vinayakar Temple in S.F.No.130/2A-42 situated at Gandhi Nagar, Gundur, Tiruchirappalli – 620 007 and consequently to protect the Sri Vinai Theerkkum Vinayakar Temple based on the petitioner's representation dated 15.02.2023.

For Petitioner : Mr.S.Krishnan

For Respondent Nos.1 & 2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent Nos.3 to 5 : No appearance

For Respondent No.6 : Mr.C.T.Perumal



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner/Gandhi Nagar Residents Welfare Association has filed the present Writ Petition for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from evicting Sri Vinai Theerkkum Vinayakar Temple in S.F.No.130/2A-42 situated at Gandhi Nagar, Gundur, Tiruchirappalli - 620 007 and consequently to protect the Sri Vinai Theerkkum Vinayakar Temple based on the petitioner's representation dated 15.02.2023.

2.According to the petitioner, earlier the sixth respondent herein had filed a Writ Petition before this Court in W.P(MD)No.25969 of 2022 and the petitioner/Gandhi Nagar Residents Welfare Association was not arrayed as a party in the earlier Writ Petition. Pursuant to the order passed by the Hon'ble Division Bench of this Court in W.P(MD)No.25969 of 2022, dated 01.12.2022, the official respondents have taken steps for removal of said Vinai Theerkkum Vinayakar Temple. Hence, the petitioner has filed the present Writ Petition.



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3.The sixth respondent has filed a counter-affidavit. The learned counsel appearing for the sixth respondent submitted that the Hon'ble Division Bench of this Court, by order dated 01.12.2022, has passed the following order:

'6.Recording the said submission of the learned Additional Government Pleader appearing for the respondents 1 to 4, the Writ Petition stands disposed of with a direction to the fourth respondent to conduct a survey in the place in question, after issuing notice to the petitioner, sixth respondent and any other parties, and shall take necessary action for removal of the encroachment, if any, in the place in question, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.'

4.The learned counsel appearing for the sixth respondent further submitted that since the order passed by the Hon'ble Division Bench of this Court in W.P(MD)No.25969 of 2022, dated 01.12.2022, has not been complied with, the sixth respondent has filed a Contempt Petition before this Court in Cont.P(MD)No.877 of 2023 and the same is pending.



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5.The learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the prayer sought for by the petitioner cannot be entertained. He further submitted that pursuant to the status quo order passed by this Court on 21.04.2023, no final order has been passed and the official respondents are not in a position to comply with the directions issued by this Court in W.P(MD)No.25969 of 2022. If this Court issues any appropriate direction, the authority concerned will take appropriate steps and comply with the directions issued by this Court in W.P(MD)No.25969 of 2022 within the time stipulated by this Court.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.In view of the fact that one Poornalingam/Secretary of Sri Vinaitheerkum Vinayagar Aalayam has been arrayed as sixth respondent in the Writ Petition filed by the sixth respondent herein in W.P(MD)No.25969 of 2022 and the Secretary of the said Temple has not preferred any appeal as against the order passed by the Hon'ble Division Bench of this Court in the said Writ Petition. But the petitioner/Gandhi Nagar Residents Welfare Association has filed the present Writ Petition, who has no *locus standi* at all



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and the same cannot be entertained. Accordingly, this Writ Petition is dismissed. If the petitioner has any objection, the petitioner is at liberty to raise an objection before the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, pursuant to the order passed by the Division Bench of this Court in W.P(MD)No.25969 of 2022, dated 01.12.2022, the third respondent shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
02.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ps



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 02.01.2024