



W.P.(MD) No.10468 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.10468 of 2024
and
W.M.P.(MD) Nos.9414 & 9416 of 2024**

Girija

Vs.

... Petitioner

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai – 600 034.

2.The Joint Commissioner (Legal),
O/o. the Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai – 600 034.

3.G.Mangaiyarkarasi,
Joint Commissioner (Legal),
O/o. the Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai – 600 034.

4.The Joint Commissioner (Tiruppur Zone),



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HR & CE Department,
2nd Floor, Cotton Market Complex,
Palladam Road, Tiruppur – 641 604.

5.C.Kumaradorai
Joint Commissioner (Tiruppur Zone),
HR & CE Department,
2nd Floor, Cotton Market Complex,
Palladam Road, Tiruppur – 641 604.

6.The Executive Officer,
Arulmigu Kalayana Pasupatheeswara Swamy Thirukoil,
Sannadhi Street,
Karur – 639 001.

7.L.Saravanan
Office of Executive Officer,
Arulmigu Kalayana Pasupatheeswara Swamy Thirukoil,
Sannadhi Street,
Karur – 639 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned notice in Na.Ka.No.10538/2022-23/A3 dated 16.03.2024 and quash the same.

For Petitioner : Mr.G.Vanjinathan
for Mr.E.J.Ayyappan
For R1, R2 & R4 : Mr.P.T.Thiraviam
Government Advocate.
For R6 : Mr.Athimoolapandian
Standing Counsel.



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ORDER

The case of the petitioner is that the petitioner is a *bonafide* purchaser of the property from one Duraisamy vide registered sale deed dated 05.12.2011 registered as Document No.11912 of 2011. It is submitted that even otherwise, the entire property does not belong to the temple.

2. On the other hand, the learned Standing Counsel for the sixth respondent would submit that the Writ Petition is devoid of merits, as the petitioner has not replied to the impugned notice and has approached this Court. The learned counsel further draws the attention of a Writ Petition filed in W.P. (MD).Nos.2141 to 2159 of 2023 by the other encroachers, which was also disposed by this Court on 02.02.2023.

3. That apart, the learned Standing Counsel for the sixth respondent would submit that the temple had filed O.S.No.222 of 2023, before the Sub Court Thiruchirapalli, which suit was decreed on 29.12.2003, by the Trial Court in respect of the very same property, wherein, the petitioner's predecessor, namely,



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Duraisamy was one of the defendants.

4. It is submitted that the aforesaid decision has also been confirmed by the Hon'ble Division Bench of this Court in A.S.Nos.19 to 21 & 39 of 2005 etc. batch by the common judgment and decree dated 01.11.2017, along with a Second Appeal in S.A.No.746 of 2022.

5. The learned counsel for the sixth respondent would further submit that the impugned notice has been issued, pursuant to the directions of this Court on 15.11.2022 in the case of ***A.Radhakrishnan vs. The Secretary to Government, Revenue Department in W.P.(MD).No.22682 of 2018 etc. batch.***

6. I have considered the arguments advanced by the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2 and 4 and the learned Standing Counsel for the sixth respondent.

7. I have considered the submissions made by the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2 and 4 and



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the learned Standing Counsel for the sixth respondent. I have perused the judgment and decree of the Trial Court dated 29.12.2003 and that, by the Appellate Court, dated 01.11.2017 and the orders passed by this Court recently on 02.02.2023 in W.P.(MD).Nos.2141 to 2159 of 2023, whereby a challenge to a similar notice was declined. The impugned notice has been issued to the petitioner whereby the petitioner has been asked to furnish the documents pertaining to the property comprised in the old Survey No.825C, new T.S.No. 2922 measuring 217 sq.m. on or before 02.03.2024. There is no merits in challenging the impugned notice. Therefore, this Writ Petition is liable to be disposed of, leaving it open to the petitioner to substantiate her rights, if any, before the fourth respondent.

8. It is made clear that the petitioner shall co-operate with the fourth respondent in response to the notice by appearing before the fourth respondent on or before 06.05.2024. Further, the fourth respondent is directed to consider the same and pass appropriate orders on merits, failing which, the petitioner is at a liberty to approach this Court.



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9. Accordingly, this Writ Petition is disposed of, with above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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