



W.A.(MD)No.891 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.(MD)No.891 of 2020
and
CMP(MD)No.4864 of 2020

Arulmigu Koodal Alagar Temple,
Madurai through its
Assistant Commissioner/Executive Officer,
Madurai-625 001 ... Appellant/4th Respondent/4th Respondent

Vs

1.G.Veluchamy ... 1st Respondent/Petitioner/Petitioner

2.The Commissioner,
Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City. ...Respondents 2 to 4/Respondents 1 to 3/
Respondents 1 to 3



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Prayer:

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This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 27.08.2020 passed by this Court in W.M.P.(MD)No.9123 of 2020 in W.P(MD)No.10232 of 2020.

For Appellant : Mr.S.Manohar

For Respondents : Mr.S.Madhavan for R1

M/s.D.Farjana Ghousia

Special Government Pleader for R2 to R4

JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

This Writ Appeal is filed against the order passed by this Court in W.M.P. (MD)No.9123 of 2020 in W.P(MD)No.10232 of 2020, dated 27.08.2020.

2.The first respondent, Velusamy is a tenant in one of the shops owned by Madurai Koodal Alagar Temple and eviction proceedings have been initiated by the temple under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Thereby, on 23.08.2020, the eviction order was implemented and the vacant possession of the shop was taken. It appears that the first respondent/writ petition filed a writ petition only on 27.08.2020. When the writ



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petition came up for admission, the learned Single Judge passed the following order:

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“The petitioner's counsel states that he would take a demand draft for a sum of Rs.1,00,000/- immediately favouring the temple and hand over the same to the Executive Officer. Upon such handing over, without prejudice to the contentions of the temple as well as the department, the respondents are directed to unseal the petition mentioned premises immediately and hand over the possession to the petitioner herein.”

3.On perusal of the above said order, the first respondent/petitioner has to deposit a sum of Rs.1,00,000/- in favour of the temple and hand over the same to the Executive Officer and on such handing over, without prejudice to the rights and contentions of the temple, the temple authorities are directed to unseal the petition mentioned premises and hand over the possession to the first respondent/petitioner.

4.Aggrieved against the said order passed by the learned Single Judge, the temple-appellant/4th respondent has preferred this writ appeal.



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5.At the time of admission, we find that there is an interim stay passed by this Court on 01.10.2010 in the writ appeal. Pending the writ appeal, the learned counsel for the appellant represented that the amount of Rs.1,00,000/- that was ordered to be deposited by the first respondent writ petitioner is not complied with. Against which, the writ appeal has been filed. When the writ petition came up for final disposal before the learned Single Judge of this Court, this Court closed the writ petition on 10.10.2023. While this being so, it is represented that after the dismissal of the main writ petition on 10.10.2023, subsequent auction has taken place and some other person was given tender and possession on 08.08.2024.

6.In view of above, since the main writ petition is closed, nothing survives to be adjudicated in this case. Hence, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]
12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City.
- 4.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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RMT.TEEKAA RAMAN, J.
and
N.SENTHILKUMAR, J.

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