



W.P.(MD)No.18428 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.18428 of 2021

and

W.M.P.(MD)No.23078 of 2022

Vairamuthu Chettiar

: Petitioner

Vs.

1.The Commissioner,

Hindu Religious, Charitable and Endowment Department,

119, Uthamar Gandhi Road,

Nungambakkam,

Chennai – 600 034.

2.The District Collector,

Karur District,

Karur.

3.The Sub Collector / Revenue Divisional Officer,

Kulithalai,

Karur District.



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4.The Assistant Commissioner,

Hindu Religious Charitable and Endowments Department,
Karur,
Karur District.

5.The Inspector No.II,

Hindu Religious Charitable and Endowment Department,
Kulithalai,
Karur District.

6.The Executive Officer,

Hindu Religious Charitable and Endowments Department,
Kadambur Temple,
Kulithalai,
Karur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 4 to 6 to remove the encroachment made in the petitioner's family land of bearing S.No.1172/1B, Patta No.954 situated at Mahathanapuram South Revenue Village, Krishnarayapuram Taluk, Karur District.

For Petitioner : Mr.R.Murugappan

For Respondents 1 to 4 : Mr.S.Shaji Bino

Special Government Pleader

For Respondents 5 & 6 : Mr.P.Athimoolapandian



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ORDER

[Order of the Court was made by M.S.RAMESH, J.]

Heard both sides and perused the materials available on record.

2.This Writ Petition has been filed for a Mandamus, to direct the respondents 4 to 6 to remove the encroachment made in the petitioner's family land in S.No.1172/1B, bearing Patta No.954 situated at Mahathanapuram South Revenue Village, Krishnarayapuram Taluk, Karur District.

3.It is brought to the notice of this Court that earlier the same petitioner herein had filed W.P.(MD)No.14272 of 2023, seeking for removal of encroachment in S.No.1172/1B, comprised in Mahathanapuram South Revenue Village, Krishnarayapuram Taluk, Karur District, which property is the subject matter of the present writ petition. Even here, a similar prayer for removal of encroachment has been sought for by the petitioner. The earlier writ petition in W.P.(MD)No.14272 of 2023, seems to be dismissed and therefore, the present writ petition for the same prayer is not maintainable.



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4.The learned Counsel for the respondents 5 & 6 had also produced a copy of the order made in W.P.(MD)No.10792 of 2022 dated 06.06.2024, wherein the petitioner had sought for a similar prayer in the nature of an injunction in connection with S.No. 1172/1B, which was also dismissed.

5.In matters of this nature, when there is an abuse of process of law, this Court would impose cost on such petitioners. However, by taking a lenient view, we dispense with such a decision.

6.With the above observation, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

11.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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