



W.P.(MD).No.21273 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.21273 of 2024

Arulmigu Aalmuni Endra Periyannasamy Temple,
Represented by the Hereditary Trustee,
T.Pratap, Son of Late.Thiyagarajan,
Kallathukombai, B.Mettur,
Thuraiyur Taluk, Tiruchirappalli District.

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Peramballur.
- 4.Arulmigu Kamatchiamman and
Masi Periyannasamy Temple,
Represented by the Hereditary Trustee,
Alagan Muthuraja,
S/o.Late.Alagu Muthuraja,
Kallathukombai, B.Mettur,
Thuraiyur Taluk,
Tiruchirappalli District.

...Respondents

*(R-4 is amended vide order passed by this Court dated 10.09.2024 in W.M.P.
(MD).No.18139 of 2024 in W.P.(MD).No.21273 of 2024)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to forbear the fourth respondent from taking any action may prejudice the interests of Sri Aalmuni Endra Periyannasamy Temple regarding the property in S.No.48/2, which encompasses 6 Acres 4 Cents, situated at Kallathukombai, B.Mettur, Thuraiyur Taluk, Tiruchirapalli District until the final adjudication of the suit in O.S.No.3 of 2021, on the file of the Subordinate Court, Thuraiyur.

For Petitioner : M/s.S.Mahalakshmi
For R-1 to R-3 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The present Writ Petition is filed for Mandamus directing the respondents 1 to 3 to forbear the fourth respondent from taking any action which may prejudice the interests of Sri Aalmuni Endra Periyannasamy Temple regarding the property in S.No.48/2, comprising 6 Acres 4 Cents, situated at Kallathukombai, B.Mettur, Thuraiyur Taluk, Tiruchirapalli District until the final adjudication of the suit in O.S.No.3 of 2021, on the file of the Subordinate Court, Thuraiyur.

2. It is submitted by the learned counsel appearing for the petitioner temple that they do not have any objection for removal of encroachments by the second respondent under Section 78 of the Hindu Religious and Charitable



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Endowments Act. The only request made by the petitioner temple is that after the removal of encroachments in the subject property, possession may be handed over to the petitioner temple.

3. It was submitted by the learned Additional Government Pleader appearing for the official respondents that with regard to title of the subject property, a suit is pending between the petitioner temple and the fourth respondent temple in O.S.No.3 of 2021 on the file of the Subordinate Court, Thuraiyur. It was thus submitted that while the second respondent would proceed with the removal of encroachment in terms of Section 78 and 79 of the Act, the title and possessory rights would depend on the outcome of the suit.

4. Recording the same, the Writ Petition stands closed with a direction to the second respondent to proceed with the removal of encroachments in the subject property in accordance with law. There shall be no order as to costs.

10.09.2024

Index : Yes / No
Internet : Yes/ No
Lm



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To

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- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
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MOHAMMED SHAFFIQ, J.

Lm

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