



W.P(MD)No.22648 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.22648 of 2024

and

W.M.P(MD)No.20778 of 2024

Padmavathi

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Endowments Department,
Dindigul.

2.The Executive Officer,
Arulmigu Chellandi Amman Temple (Additional Charge),
Arulmigu Kalakatheeswarar Temple,
Dindigul Town,
Dindigul.

3.The Additional Superintendent of Police,
Dindigul Town,
Dindigul District.

... Respondents

*(R-3 is suo motu impleaded vide Court order, dated
30.09.2024 in W.P(MD)No.22648 of 2024)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to
hand over the house in Door No.52B, Chellandi Amman Kovil third Street,



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Dindigul Town, Dindigul District belonging to Arulmigu Chellandi Amman Temple, Dindigul to the petitioner to which the petitioner is a lawful tenant after due renovation and reconstruction as undertaken and ordered in W.P(MD)No.11489 of 2018 in its order, dated 17.06.2022 within the time stipulated by this Court and pass such further or other orders as this Court.

For Petitioner : Mr.V.R.Shanmuganathan
For R-1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-2 : Mr.V.Chandrasekar
For R-3 : Mr.B.Thanga Aravindh
Government Advocate

ORDER

Mr.K.S.Selva Ganesan, learned Additional Government Pleader, takes notice for the first respondent. Mr.V.Chandrasekaran, learned counsel, takes notice for the second respondent.

2. The present Writ Petition is filed for Writ of Mandamus, directing the respondents to hand over the house in Door No.52B, Chellandi Amman Kovil 3rd Street, Dindigul Town, Dindigul District belonging to Arulmigu Chellandi Amman Temple, Dindigul to the petitioner, who is a lawful tenant, after due



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renovation and reconstruction as undertaken and ordered in W.P.(MD)No. 11489 of 2018 dated 17.06.2022.

3. It is submitted that earlier a Writ Petition in W.P.(MD)No.11489 of 2018 was filed challenging the notice dated 09.04.2018 and consequential notice dated 17.05.2018, whereby the petitioner was directed to vacate the house within a short period for the purpose of conducting Kumbabishegam.

4. After hearing both sides, this Court vide order dated 17.06.2022 was pleased to disposed of the said Writ Petition on the following terms:

“6. On the undertaking and assurance given by the temple authorities and Executive Officer, that the dwelling house of the petitioner will be handed over to her within a period of two weeks after Kumbhabishekam, the petitioner shall vacate the premises and hand over the same to the temple authorities who shall hand over the house back to the petitioner as agreed.”

5. Pursuant thereto, the subject property was handed over to the temple authorities and the Executive Officer for the purpose of conducting Kumbabishekam on 01.07.2022. Kumbabishegam was over on 24.10.2023 and



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thus in terms of the order of this Court in W.P.(MD)No.11489 of 2018, the house ought to be handed over to the petitioner. However on 17.10.2023, the building was demolished. It is not clear as to who has demolished the construction.

6. Thereafter, 2nd Respondent/ Executive Officer issued a work order dated 01.02.2024 to Vignesh Enterprises for reconstruction of the subject property within a period of three months. It is submitted by the learned counsel for the 2nd Respondent/ Executive Officer that despite having awarded the work order, Vignesh Enterprises are unable to proceed with the construction, as there is resistance by the local residents. Therefore, he would request that there may be need to provide police protection.

7. In view thereof, the Additional Superintendent of Police, Dindigul Town, Dindigul District, was *suo motu* impleaded as 3rd respondent in this Writ Petition. If a request is made for police protection, the same would be considered and suitable protection would be granted to enable construction work.



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8. It is submitted by the learned counsel for the 2nd Respondent/ Executive Officer that they would complete the construction and hand over keys of the petition mentioned property to the petitioner in compliance with the undertaking given to this Court in W.P.(MD)No.11489 of 2018 within a period of six months from today, which is acceded to by the learned counsel for the petitioner.

9. Recording the same, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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MOHAMMED SHAFFIQ, J.

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