



W.P.(MD) No.27721 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.27721 of 2023

A.Vellaichamy Poosari

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Trichy District.

2.The Tahsildar,
Marungapury Taluk,
Trichy District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Srinivasa Nagar, Thiruvanaikoil,
Trichy-620 005.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Srinivasa Nagar, Thiruvanaikoil,
Trichy-620 005.

5.Duraisamy

6.Ponnu@Meyyan



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7.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District,
(R7 is suo motu impleaded vide Court
order dated 23.11.2023)

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to remove the encroachment caused by the respondents 5 and 6 in the temple land called Sri Arulmigu Kannimar Temple is situated Survey No. 140/1, 140/2 at Seegampatti Village, Marungapuri Taluk, Trichy District by way of consider the petitioner's representation dated 24.07.2023.

For Petitioner	:	Mr.S.Sivakumar
For R1 to R4	:	Mr.P.Subbaraj Special Government Pleader
For R5	:	Mr.G.Gomathi Sankar
For R7	:	Mr.M.Vaikkam Karunanidhi Government Advocate

ORDER

The petitioner with a grievance that the official respondents have not taken any action as against the encroachers of Arulmighu Sri



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Kannimakoil, Marungapuri Taluk, Trichy has filed this writ petition for a mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 & 6 in the temple land.

2. The learned Special Government Pleader appearing for the respondents 1 to 4 submits that the temple administration has filed a suit in O.S.No.127 of 2018 before the learned District Munsif, Manaparai and also obtained a decree as against the respondents 5 & 6. However, the respondents 5 & 6 have not obeyed the order of this Court as well as the notice issued by the temple administration. Therefore, the Executive Officer has lodged a complaint before Thuvrankurichi Police Station on 16.02.2023 as against the encroachers and a criminal case has also been registered in Crime No.42 of 2023, dated 16.02.2023.

3. The learned counsel for the fifth respondent submits that the fifth respondent has purchased the property by way of a registered document in the year 1973. The petitioner herein has filed a suit in O.S.No127 of 2018 before the District Munsif Court, Manaparai, seeking the relief of declaration and for recovery of possession. The Civil Court by its



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judgment and decree dated 13.12.2022 granted the relief of declaration in favour of the temple, however, denied the relief for recovery of possession. Therefore, the fifth respondent is in possession of the property. He further submits that the persons, who are now in possession of the property, are also prepared to pay the fair rent to the temple.

4.This Court considered the rival submissions made on either side.

5.The issue has already been decided in favour of the temple that the land belongs to the temple and since the relief of recovery of possession was negatived, the respondents 5 and 6 are in occupation of the said land. Further, the persons, who are in occupation of the said land, are also prepared to pay fair rent to the temple. Hence, the third respondent shall fix the fair rent and inform the same to the occupants of the subject property as expeditiously as possible. Accordingly, this writ petition is disposed of. No costs.

28.03.2024

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



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B.PUGALENDHI,J

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