



WEB COPY



W.P.No.2112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2112 of 2025 and
W.M.P.No.2481 of 2025

1.S.D.Krishnamurthy
2.S.D.Paramanantham

...Petitioners

Vs.

1.The Commissioner
Hindu Religious And Charitable Endowments Department,
Administrative Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road, Nungambakkam , Chennai-
600 034.

2.The Assistant Commissioner
Hindu Religious And Charitable Endowments Department,
Administrative Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road, Nungambakkam , Chennai-600 034.

3.The Fit Person/ Executive Officer
(Arulmigu Cheliamman, Mariamman and Lakshmiyamman
Temples, Madhavaram)
Arulmigu Srinivasa Perumal Temple,
18, Vathiyar Kanthan Street,
Choolai, Chennai-600 112.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
for issuance of Writ of Mandamus, forbearing the respondents from interfering

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with the petitioners possession over the subject property situate at No.34, Madhavaram Village, Saidapet Taluk comprised in S.No.950/2 measuring an extent of 47 cents by considering petitioners' representation dated 21.12.2024.

For Petitioner : Mr.P.Valliappan
Senior Counsel
for PV Law Associates
For respondents :Mr.S.Ravichandran for R1 to R3
Additional Government Pleader (HR & CE)

ORDER

The writ petition is filed seeking issuance of writ of mandamus forbearing the respondents from interfering with the petitioners' possession over the subject property situated in No.34, Madhavaram Village, Saidapet Taluk comprised in S.No.950/2 measuring an extent of 47 cents by considering petitioners' representation dated 21.12.2024.

2. According to the petitioners, the above mentioned property is a natham land which has been in possession and enjoyment of the petitioners' family for considerable time. It is also claimed by the petitioners that petitioners' father functioned as hereditary trustee, Archagar of Arulmigu Cheliamman, Mariamman and Lakshmiyamman temple, the 3rd respondent



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temple earlier. When the 3rd respondent attempted to interfere with the possession over the above mentioned property, the petitioners' father filed a suit for declaration of title and injunction in O.S.No.134 of 2009 on the file of District Munsif Court, Tiruvottiyur. Pending suit, the petitioners' father died and petitioner and his brother were brought on record. Subsequently, the suit was decreed in favour of petitioners declaring the title of the plaintiffs' therein. The respondents 2 and 3 were enjoined from interfering with the petitioners' peaceful possession and enjoyment of the property. It is the case of the petitioners that notwithstanding the fact that the decree for injunction is operating against the respondents 2 and 3, the 3rd respondent is attempting to interfere with the possession of the petitioners. Therefore, the petitioners submitted a representation before the respondents on 21.12.2024 requesting them not to interfere with the petitioners' peaceful possession over the property. The said representation has not been considered. Hence, the petitioners have come before this Court.

3. Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE) takes notice for the respondents 1 to 3.



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4. It is the specific case of the petitioners that decree for injunction in O.S.No.134 of 2009 is operating against the respondents 2 and 3. In that case, the respondents' officials are expected to obey the decree passed by the Civil Court, if it is in operation. Therefore, the 2nd respondent is directed to consider the representation submitted by the petitioner dated 21.12.2024, in the light of the Civil Court decree passed in O.S.No.134 of 2009 on the file of District Munsif Court, Tiruvottiyur and pass final orders on its' own merits within a period of two weeks from the date of receipt of copy of this order and communicate the same to the petitioner. Till the representation is considered by the 2nd respondent, the respondents shall not alter the physical features of the subject property.

5. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

28.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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