



W.P.No.11334 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11334 of 2025
and W.M.P.No.12776 of 2025

M.Geetha

.. Petitioner

Versus

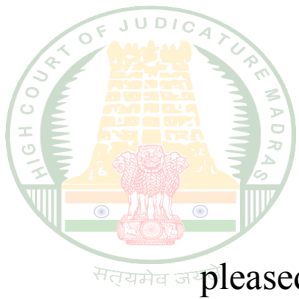
1. The Joint Commissioner,
O/o. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Nagapattinam.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Nagapattinam.

3. The Executive Officer,
Arulmigu Nadavadeeshwarar Swamy Thiru
Koil,
Nagapattinam.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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pleased to issue a Writ of Certiorari calling for the records pertaining to the impugned notice, dated 14.03.2025 vide Na.Ka.No.268/2021/E1/14.03.2025 issued by the 2nd respondent and quash the same.

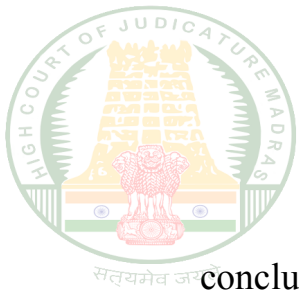
For Petitioner : Mr.T.Ananthasekar

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

ORDER

This Writ Petition is filed challenging the impugned order, dated 14.03.2025.

2. Upon hearing the learned Counsel for the petitioner and the learned Special Government Pleader (HR & CE) for the respondents and perusing the affidavit filed in support of the Writ Petition and the material records of the case, the grievance of the petitioner is that she is the owner of the property in S.No.2173/3. In the earlier rounds of litigations, it has been

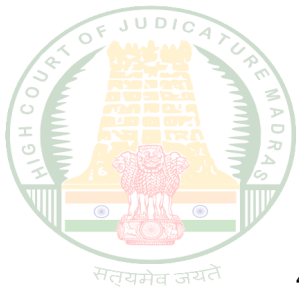


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concluded that only with reference to S.No.2173/1, 2173/2, the temple is the owner of the property. In respect of S.No.2173/3, it was held that the matter can be decided in the pending suit. In view thereof, when the petitioner has filed a Civil Suit in O.S.No.145 of 2024 on the file of the learned Sub Judge, Nagapattinam and when the same is pending, the respondents are proceeding further with the eviction proceedings and therefore, the petitioner is before this Court.

3. The learned Special Government Pleader (HR & CE) for the respondents would submit that the matter, relating to the eviction of the petitioner, has been taken up under Section 78 of the HR & CE Act, 1959 by way of M.P.No.142 of 2024 and due orders have been passed on 17.10.2024 itself. If the petitioner is aggrieved, she can file a revision and if the petitioner disputes the title, she can file a civil suit. The petitioner also filed a Civil Suit. There is no interim order as on date.



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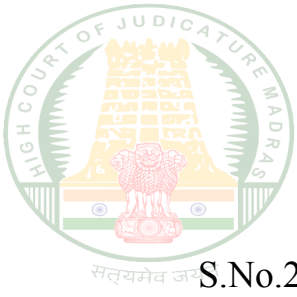
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4. The learned Special Government Pleader would also submit that already, a *prima facie* finding has been entered into in paragraph No.12 of W.P.Nos.11093 of 2022 and 13650 of 2024 and it is essential to extract the portion of the order, dated 20.09.2024 which reads as follows:-

"12. According to the respondents, even as per the affidavit of the petitioner, the land in S.No.2173/1 to the extent of 20.0281.5 and the land in S.No.2173/2 to the extent of 0.0316.0 are classified as ☐ Mtham Sontham ☐ in the revenue records and the entire possession of the property is within the family for more 60 years. However, the fact remains that on the one hand, the petitioners claim themselves as a tenant with the third respondent. On the other hand, they claim ownership over the land in S.No.2173/3. Such a contradictory stand taken by the petitioners in the respective affidavits filed in these writ petitions, are not sustainable. Further, the petitioner/Mrs. P.Lakshmi filed the suit in O.S. No. 112 of 2020 on the file of the District Munsif Court, Nagapattinam, in which, she was not able to obtain any interim injunction and thereafter, the petitioner/Mrs. M. Geetha, daughter of Mr. P. Lakshmi, has filed a suit in O.S. No.25 of 2024 on the file of the District Munsif Court, Nagapattinam, in which, she could not obtained any interim injunction...."

Thus, it can be seen that the matter is no longer *res integra*.

5. If the petitioner claims that she is only in occupation of



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S.No.2173/3 and that it is the petitioner who is the owner of S.No.2173/3, as
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directed in the earlier round, the petitioner has to establish the same before the Civil Court and get any interim order or final decree. As on date, there is no interim order that is granted by the Civil Court and therefore, the respondents can proceed further. If only the petitioner has got any case, she has to approach the self-same Civil Court and press for an interim order in her favour.

6. Keeping open the liberty of the petitioner to approach the same Civil Court by way of an interim relief, if any, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.03.2025

Neutral Citation : no
grs



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