



WEB COPY

W.P.No.23608 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23608 of 2023
and WMP. No.23126 of 2023

1.S.Harikumar
2.S.Ganesan
3.S.Arunkumar
4.T.Sathyanarayanan

.... Petitioner

Vs

1.The Revenue Division Officer (RDO),
District of Thiruvannamalai,
Thiruvannamalai – 606 601.

2.T.K.Dhandapani

3.Mrs.Lakshmi Narashiman

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to quash the 1st respondent's order Na.Ka.A4.3988/2023 dated 31.07.2023.

For Petitioner : Ms.M.S.Rajeswari

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

(Criminal Side) for R1
Mr.R.Karthikeyan for R2 and R3

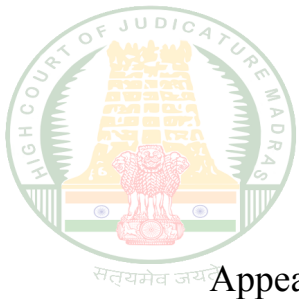


ORDER

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The Writ Petition has been filed to quash the order passed by the first respondent dated 31.07.2023 in Na.Ka.A4.3988/2023 directing both the parties viz., the petitioners and respondents 2 & 3 to maintain status quo in respect of the property situated in Thiruvannamalai Town Ward 2 Block No.11, TS. No.549 measuring 8389 sq.ft. having Samadhi and Brindhavan.

2. It is seen that the petitioners are the Administrators as well as Trustees of the Sri Meenakshi Sundareswarar Temple by creating a Trust and to perform Tiruppani Seva for more than 100 years. The land claimed by the respondents 2 and 3 is belonging to the temple. The respondents 2 & 3 have filed a suit in O.S. No.11 of 2021 on the file of the learned District Munsif, Thiruvannamalai for permanent injunction in respect of the property belonging to the Temple. In the said suit, the petitioners have filed an Application for eviction in the year 2022 and the same was allowed by the learned Principal District Munsif, Thiruvannamalai by order dated 16.12.2022., accordingly, the suit filed by the respondents 2 and 3 was rejected.



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3. Aggrieved by the same, the respondents 2 and 3 have filed an Appeal in A.S. No.5 of 2023 and it is pending without any interim order.

In the meanwhile, the respondents 2 & 3 have lodged a police complaint for peaceful possession and enjoyment of the temple property. The first respondent conducted an enquiry under Section 107 Cr.P.C and directed to maintain status quo in respect of the subject property by both the parties viz., the petitioners and the respondents 2 and 3.

4. The learned counsel for the petitioners would submit that Tahsildar has already initiated proceedings on the request made by the respondents 2 and 3 for issuance of patta to the subject property and its proceeding dated 05.02.2024 and held that the properties belong to the temple, the respondents 2 and 3 have no title over the property and further proceedings are pending between the parties in respect of the suit property before the Civil Court, directed the parties to approach the Civil Court for appropriate reliefs.

5. The learned counsel for the respondents 2 & 3 submitted that they have filed a suit for permanent injunction, since they are in possession and enjoyment of the subject property and the same was

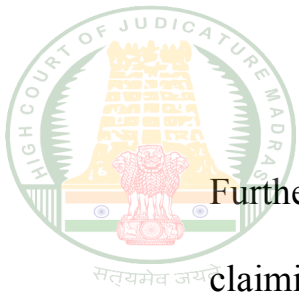


dismissed by the Trial Court. However aggrieved by the same, they have preferred an appeal and it is pending.

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6. On perusal of the records of the first respondent and the submissions made by the aggrieved parties, as per the revenue records the subject property has been classified as government property and in possession of Meenakshi Sundareswarar Temple viz., the petitioners herein. However, the 2nd and 3rd respondents claimed possession in the said temple property since the Hariswamy's Jeeva Samathi, who is none other than their ancestor, is there in said temple. On further enquiry, it is seen that the proceedings of the Commissioner, HR & CE in O.A. No.120 of 1973 dated 05.12.1974, which was declared as Samathi not a Temple and therefore, the first respondent's order to maintain status quo and objection for construction in the said property is liable to be set aside.

7. Admittedly, the suit for permanent injunction filed by the respondents 2 and 3 was dismissed by way of rejecting the claim filed by the petitioners. Now the respondents 2 and 3 filed A.S. No. 5 of 2023 before the appellate Court and it is pending without any interim relief.



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Further the respondents 2 and 3 need not file any suit for declaration claiming title over the property. The temple is also situated in the subject land and it is also evident from the revenue records. In view of the above, though permanent injunction is dismissed, the first respondent should not have restrained both the parties to maintain status quo, since the petitioners are being the Administrators and Trustees of the temple and doing performance to the Meenatchi Sundareswarar Temple.

8. In view of the above, the order passed by the first respondent cannot be sustained and liable to be set aside. It is made clear that if the 2nd and 3rd respondents succeed in their title suit, they are at liberty to approach the first respondent for mediation, revenue records and also other issues.

9. Accordingly, this Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rkp



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To

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1. The Revenue Division Officer (RDO),
District of Thiruvannamalai,
Thiruvannamalai – 606 601.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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