

Petitioner Vs. Respondent

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Court : Chennai Madurai

Decided On : Jul-18-2016

Judge : M. Venugopal

Appeal No. : W.P(MD)No. 11636 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard the Learned Counsel for the Petitioner, the Learned Special Government Pleader appearing for Respondents 1, 2, 3 and 5 and also the Learned Standing Counsel appearing for the Fourth Respondent / Executive Officer of the Temple.
2. It comes to be known that the Petitioner in all had remitted / paid a sum of Rs.6,18,168/-, before the Fourth Respondent / Kattalai, which fact is not in dispute.
3. At this stage, the Learned Counsel for the Petitioner submits that the Petitioner has complied with the order of this Court, dated 12.07.2016, by paying a sum of Rs.6,18,168/-, and accordingly filed a 'Compliance Memo', dated 18.07.2016, before this Court and the same is hereby recorded by this Court.

4. Further, in the present case, it transpires that on 27.06.2016, the possession of the subject properties was taken by the Fifth Respondent / Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowment Board, Nagercoil, Kanyakumari District. The Learned Counsel for the Petitioner brings it to the notice of this Court that the movable items found in the subject properties, at the time of taking possession, on 27.06.2016 finds a place in the 'Recovery of Possession and Handing Over Report' of the Fifth Respondent / Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowment Board, Nagercoil, Kanyakumari District.

5. In view of the fact that the Petitioner had filed a Compliance Memo, dated 18.07.2016, before this Court and a cursory perusal of the said Memo indicates that the Petitioner paid in all a sum of Rs.6,18,168/-, for which, a receipt was also issued by the Temple Authorities and therefore, to secure the ends of justice, this Court grants permission to the Petitioner to take the movable items from the subject properties, on 19.07.2016, of course, in the presence of the Temple Authorities / Officials concerned and thereafter, the Temple Authorities are to immediately lock and seal the subject premises soon after the immediate purpose was over.

6. It is needless for this Court to make a significant mention that it is open to the Temple Authorities to prepare a Muchalika document for the movable items taken out by the Petitioner and to keep the same for the purpose of record, in the present pending Writ proceedings.

7. Registry is directed to list the matter on 29.07.2016.

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