

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.3963/2009

THE LEIGH BAZAAR MERCHANTS ASSOCIATION LIMITED Appellant(s)
AND ANR.

VERSUS

THE COMMISSIONER AND ORS. Respondent(s)

O R D E R

The instant appeal, by way of special leave, is directed against the judgment dated 10.06.2008 passed by the High Court of Judicature at Madras in A.S. No. 516 of 1996, whereby the High Court dismissed the appeal preferred by the appellants herein.

Heard the learned counsel appearing for the parties, and scrutinized the material on record.

It is clear from the material placed before us that the appellants' predecessor-in-interest, the Sevvapettai Merchants Association Limited, had filed a petition before the Board of Governors for Hindu Religious Endowment, Madras as far back as in the year 1937, for a declaration regarding the same temple whose nature is disputed in the present appeal. The Commissioner, after a detailed inquiry, had held vide order dated 01.10.1938 that the temple cannot be said to be a private temple. This fact was rightly appreciated by the Deputy Commissioner and the Courts below in the proceedings underlying the present appeal, resulting in three concurrent dismissals.

In view of the above, we see no reason to interfere with the impugned order dated 10.06.2008 passed by the High Court of Madras in A.S. No. 516 of 1996. The appeal is therefore dismissed as being without any merit.

.....J
(N.V. RAMANA)

.....J
(MOHAN M. SHANTANAGUDAR)

.....J
(AJAY RASTOGI)

NEW DELHI;
5TH SEPTEMBER, 2019.

ITEM NO.104

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 3963/2009

THE LEIGH BAZAAR MERCHANTS ASSOCIATION
LIMITED AND ANR.

Appellant(s)

VERSUS

THE COMMISSIONER AND ORS.

Respondent(s)

Date : 05-09-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. T. Harish Kumar, AOR

For Respondent(s)

Mr. B. Vinodh Kanna, AOR
Mr. A. Lenin Rajasehar, Adv.

Mr. R. Gopalakrishnan, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)