

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.15161 of 2015

- 1 S.Sendrayan
S/o.Sen Reddy
Door No.8/20 Indira Nagar
Achankadu Moolakkadu Post, Mettur Taluk, Salem District.
- 2 S.Govindhan
S/o.Sen Reddy,
Door No.8/23 Indira Nagar,
Achankadu Moolakkadu Post, Mettur Taluk, Salem District.
- 3 Govindhammal
W/o.Late Madhaiyan,
Door No.8/18 Indira Nagar,
Achankadu Moolakkadu Post, Mettur Taluk Salem District.
- 4 R.Jayapal
S/o.Ramasamy
Door No.8/22, Indira Nagar,
Achankadu Moolakkadu Post,
Mettur Taluk, Salem District. ... PETITIONERS
- 1 The Deputy Commissioner
Hindu Religious and Charitable Endowments, Salem 1.
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowments , Salem 1.
- 3 The Executive Officer/Thakkar,
Arulmighu Thimmaraya Perumal Swamy Thirukoil,
Moolakkadu, Kolathur Via Mettur Taluk,
Salem District. ... RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records from the 3rd respondent Notice dt 29.11.2014 to quash the same in so far as the petitioners concerned.

For Petitioner : Mr.A.Esakkiappan
For Respondents-1to3 : Mr.P.Sanjay Gandhi, A.G.P.

O R D E R

Challenging the notice of the respondent No.3, dated 29.11.2014, petitioners who are in occupation of the land mentioned therein, have come forward to file the present writ petition.

2 The learned counsel for the petitioner submitted that the petitioners can be evicted only after following the procedure under section 78 of H.R.& C.E. Act. What is issued to the petitioners is only notice. Certainly for eviction of the petitioners, section 78 of the said Act could be invoked. In the impugned notice, petitioners were asked to hand over vacant possession failing with appropriate action will be taken.

3 Thus, this Court is of the view that petitioner cannot challenge the said notice. However, liberty is given to the petitioners to work out remedy in the manner known to law.

4 However, considering the submission made by the learned counsel for the petitioners, the representation made by the petitioners are directed to be considered by the respondent No.2, a direction is issued to the respondent No.2 to look into the said representation, dated 4.4.2015 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1 The Deputy Commissioner
Hindu Religious and Charitable Endowments, Salem 1.
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowments, Salem 1.
- 3 The Executive Officer/Thakkar,
Arulmighu Thimmaraya Perumal Swamy Thirukoil,
Moolakkadu, Kolathur Via Mettur Taluk,
Salem District.

1 cc to Mr.A.Esakkiappan , Advocate Sr.No.43318

1 cc to Spl.Government Pleader.Sr.No.43596

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ggk (Co) pmk.15.9.2015