

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.34183 & 34343 of 2015
and M.P.Nos.1, 1, 2 & 2 of 2015

Lingasamy ...Petitioner in W.P.No.34183/2015

Indirani ...Petitioner in W.P.No.34343/2015

-Vs-

- 1.The Commissioner
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore - 641 018.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.
- 4.The Fit Person/The Executive Officer,
Arulmighu Thanthonreeswara Swamy Thirukovil
Office of Executive Officer,
Arulmighu Akatheeswarar Swamy Thirukovil,
Dharapuram, Tiruppur District. ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records of order in C.M.P.Nos.95/2014/Aa1 & 94/2014/Aa1 dated 21.04.2015 on the file of 2nd Respondent herein and quash the same and consequently forbear the respondents from evicting the petitioner without following due process of law.

For Petitioner : Mr.N.Ponraj (in both W.Ps)

For Respondents : Mr.P.Sanjay Gandhi, (in WP.No.34183/15)
(in both W.Ps) Additional Government Pleader

: Mr. K.V.Dhanapalan (in WP.No.34343/15)
Additional Government Pleader

C O M M O N O R D E R

Challenging the orders passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the present Writ Petitions have been filed.

2.The learned counsel for the petitioners submitted that the petitioners purchased the property by registered Sale Deeds long back and their vendors have title. Without affording opportunity, the orders impugned have been passed unilaterally. Therefore, they will have to be set aside.

3.The learned Additional Government Pleader, on instructions, submitted that the orders impugned have been given effect to. The proceedings dated 19.10.2015, which is a communication from the respondent no.2 to the respondent no.1, would show that possession have already been taken. The petitioners are not entitled for notice. Therefore, no interference is required.

4.Admittedly, as against the orders under challenge an appeal is provided under Section 21 of the Act. Therefore, the petitioners are given liberty to file such an appeal within a period of four weeks from the date of receipt of a copy of this order, if so advised. In the mean while, status quo as on today shall be maintained.

5.The Writ Petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

va

To

1.The Commissioner

Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore - 641 018.

3.The Assistant Commissioner,

Hindu Religious and Charitable Endowments Department,
Tiruppur.

4.The Fit Person/The Executive Officer,

Arulmighu Thanthonreeswara Swamy Thirukovil
Office of Executive Officer,
Arulmighu Akatheeswarar Swamy Thirukovil,
Dharapuram, Tiruppir District.

+1 CC to Govt.Pleader. SR.NO. 58771

+1 CC to Govt.Pleader. SR.NO. 58770

+1 CC to MR.N.Ponraj Advocate. SR.NO.58532

+1 CC to MR.N.Ponraj Advocate. SR.NO.58531

W.P.Nos.34183 & 34343 of 2015
and M.P.Nos.1, 1, 2 & 2 of 2015

CO-SKV

JD 04/11/2015

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