



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2015

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WEB COPY

THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P(MD).Nos.18527 to 18529 of 2014

and

M.P.(MD)Nos.2, 1 & 1 of 2014

M.MAHALAKSHMI .. Petitioner in W.P.(MD)No.18527 of 2014
M.KRISHNAMMAL .. Petitioner in W.P.(MD)No.18528 of 2014
M.VIJAYA .. Petitioner in W.P.(MD)No.18529 of 2014

Vs.

1. THE JOINT COMMISSIONER,
DEPARTMENT OF HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT, SIVAGANGAI.

2. THE ASSISTANT COMMISSIONER
DEPARTMENT OF HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT,
VIRUDHUNAGAR.

3. THE EXECUTIVE OFFICER,
ARULMIGU VENKATACHALAPATHY TEMPLE,
SATTUR TOWN AND TALUK,
VIRUDHUNAGAR DISTRICT.

.. Respondents in all the Writ Petitions.

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders dated 06.11.2014 passed by the third respondent and quash the same and consequently directing the respondents not to interfere with the petitioners' peaceful possession and enjoyment of the dwelling house situated at Door Nos.52, 13 and 14/23, Perumal Koil North Maada Street and Perumal Koil North Street, Sattur, Virudhunagar District respectively, without due process of law.

(*)For Petitioner in

all the W.Ps.1&2

: Mr.D.Shanmugaraja Sethupathi

For Respondents in

all the W.Ps.

: Mr.T.R.Janardhanan

Additional Government Pleader

(*)For Respondent No.3

: Mr.P.Mahendran

**COMMON ORDER**

When these matters are taken up for hearing, the learned counsel for the respondents brought to the notice of this Court that a Division Bench of this Court by an order dated 25.02.2014 has categorically stated that an appeal would lie and the petitioner only has to file an appeal before the **(*) Commissioner**. In fact, in that case, the Hon'ble Division Bench of this Court, has passed the following order:-

"3. Taking note of the above plea, the petitioner is given liberty to prefer an appeal against the order dated 03.07.2014 and the consequential order dated 19.02.2014, within 15 days from today. The Commissioner shall hear the appeal and decide the matter within 30 days thereafter. The petitioner undertakes not to seek adjournment at any cost in the appeal. Till the appeal is disposed of, the possession of the petitioner shall not be disturbed. It is made clear that if the appeal goes against the petitioner, the authority is entitled to proceed in accordance with law immediately thereafter."

2. For which, the learned counsel for the petitioners also fairly submitted that the petitioners may be given fifteen days time to prefer appeals before the **(*) Commissioner** and in the meanwhile, not to dispose them till the order is passed.

3. Taking into consideration that the impugned orders are appealable following the Division Bench order of this Court, the petitioners are directed to file an appeal before the **(*) Commissioner** within fifteen days from today. The **(*) Commissioner** shall entertain the appeals and pass appropriate order on merits and in accordance with law. As per the earlier order of this Court, the **(*) Commissioner** will hear the appeal and decide the matter within thirty days after the filing of the appeal. The petitioners undertake not to seek adjournment at any cost in the appeals. Therefore, till the appeal is disposed of, the possession of the petitioners shall not be disturbed. It is made clear that if the appeal goes against the petitioners the authority is entitled to proceed in accordance with law immediately thereafter. It is further made clear that any delay in filing the appeal will dis-entitle the petitioners from the relief granted.

4. These writ petitions are disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(RTI)

() THE WORD JOINT DELETED IN PARAS 1 TO 3 AS PER ORDER OF THIS COURT FOR BEING MENTIONED DATED 28/1/2015 MADE IN WP(MD) NOS.18527 TO 18529/14**



To

() TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 9/1/2015**

1. THE JOINT COMMISSIONER,
DEPARTMENT OF HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
SIVAGANGAI.
2. THE ASSISTANT COMMISSIONER,
DEPARTMENT OF HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
VIRUDHUNAGAR.
3. THE EXECUTIVE OFFICER,
ARULMIGU VENKATACHALAPATHY TEMPLE,
SATTUR TOWN AND TALUK, VIRUDHUNAGAR DISTRICT.

+1CC TO MR.D.SHANMUGARAJA SETHUPATHI, ADVOCATE, IN SR. NO.555.

+1CC TO MR.P.MAHENDRAN, ADVOCATE, IN SR. NO.3742

+One cc to The Special Government Pleader, SR.No.963

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RL/7c - 11/2/2015