

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.1254 of 2016

Parameshwari

... Petitioner

Vs.

1. The Joint Commissioner,
H.R. & C.E. Department,
Nungambakkam High Road,
Chennai.

2. Arulmighu Agathiswarar Thirukoil,
Villivakam, Chennai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the notice of the first respondent bearing Na.Ka,No. 1848/2009/A2, dated 16.12.2015 and quash the same and consequently forbearing the respondents from interfering with the peaceful possession of the petitioners property, situated at No. 22, Kulakarai Street, Vilivakam, Chennai.

For Petitioner : Mr.R.Muthukumarasamy,

For Respondents 1 & 2 : Mr.K.V.Dhandapalan,

Additional Government Pleader

O R D E R

Challenging the notice issued by the 1st respondent, by which, the petitioner was asked to show cause as to why appropriate action shall not be taken under Section 78(2) of the Hindu Religious and Charitable Endowments Act, on the sole ground that the property in question is a grama natham, for which, patta has been issued to the petitioner, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent Nos. 1 and 2.

3. This is a matter for consideration by the 1st respondent. The petitioner, instead of giving a reply to the 1st respondent, by bringing to his notice, the facts stated in the affidavit, has come before this Court with the above writ petition.

4. Considering the above facts , the present writ petition is disposed of giving liberty to the petitioner to file a reply to the impugned notice to the 1st respondent within a period of four weeks from the date of receipt of copy of this order. On receipt of the same, appropriate orders will have to be passed by the 1st respondent by considering the reply given by the petitioner along with the relevant documents. The 1st respondent shall give specific finding as to whether the property belongs to the temple, based upon the documents, if any, to be produced by the petitioner to show that the said property is grama natham, in which, patta has been issued in favour of the petitioner.

5. With the above direction the present writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

rms

Sd/-
Assistant Registrar (CS III)
/TRUE COPY/
Sub-Assistant Registrar

To

1. The Joint Commissioner,
H.R. & C.E. Department,
Nungambakkam High Road,
Chennai.

2. Arulmighu Agathiswarar Thirukoil,
Villivakam, Chennai.

+1CC to M/S.A.JENASENAN Advocate SR.NO.2345
+1CC The Government Pleader, High Court Madras SR.NO.2510

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ACA[CO]

MK : 04/02/2016