



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2016

CORAM :

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

WEB COPY

Writ Petition (MD) Nos.19784 to 19790 and 20665 of 2014
and
M.P(MD)Nos.1 to 1 of 2014

R. KATHIRESAN	... PETITIONER in WP(MD) No.19784 of 2014
G.LAKSHMI	... PETITIONER in WP(MD) No.19785 of 2014
R.NAGALAKSHMI	... PETITIONER in WP(MD) No.19786 of 2014
E. RAJENDRAN	... PETITIONER in WP(MD) No.19787 of 2014
K.KESAVAN	... PETITIONER in WP(MD) No.19788 of 2014
S.GOWTHAMAN	... PETITIONER in WP(MD) No.19789 of 2014
R. GANAPATHY	... PETITIONER in WP(MD) No.19790 of 2014
R. KANNAN	... PETITIONER in WP(MD) No.20665 of 2014

-VS-

- 1 THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT.
- 2 THE JOINT COMMISSIONER,
HR&CE DEPARTMENT MAYILADUTHURAI.
- 3 THE ASSISTANT COMMISSIONER,
HR & CE DEPARTMENT KUMBAKONAM.
- 4 THE EXECUTIVE OFFICER,
A/M. NAGESWARSWAMY THIRUKOIL,
KUMBAKONAM. ... RESPONDENTS in WP(MD) No.19784 to 19790
& 20665 of 2014

Common Prayer in WP(MD) No.19784 to 19790 & 20665 of 2014: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned notice dated 07.11.2014 on the file of the 4th respondent and quash the same as illegal, incompetent and without jurisdiction and for other suitable orders and thus render justice.

For Petitioner	: Mr.H.Lakshmi Shankar
(in all Wps)	
For Respondents 1-3	: Mr.V.R.Shanmuganathan,
	Special Government Pleader.
For 4 th Respondent	: Mr.V.Chandrasekar
(In all W.Ps.)	

ORDER

(Order of the Court was made by **The Hon'ble The Chief Justice**)

The impugned notices have been issued asking the tenants to hand over possession of the properties belonging to the temple, failing which the process in accordance with law would be taken to evict them. If the



petitioners were resisting any such eviction, all that was required of them to do was to respond to those notices by stating that they are entitled to continue to occupy the premises and thereafter, the respondents are free to proceed in accordance with law. In fact the counter affidavit also states that proceedings are going to be initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Relevant paragraph of the counter affidavit is extracted hereunder:-

"5.I submit that the petitioner is going to be evicted only by initiating proceeding under Section 78 and the petitioner under the guise of challenging the advance notice issued by me could not stall the lawful proceeding contemplated in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959".

2.In view of the aforesaid, there is no necessity to entertain these petitions as there is really no grievance. Hence, these writ petitions are dismissed. At this stage, we are informed by the learned counsel for the temple authorities that the petitioners have actually been given alternative accommodation and that they have also moved from the tenanted premises. This is disputed by the learned counsel for the petitioners. If what the learned counsel for the temple authorities states is correct, this order will not entitle such of those persons who have moved to alternative accommodation to reoccupy the tenanted premises. No costs. Consequently, M.P(MD)Nos.1 to 1 of 2014 are closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Thanjavur District.
- 2.The Joint Commissioner, HR & CE Department, Mayiladuthurai.
- 3.The Assistant Commissioner, HR & CE Department, Kumbakonam.
- 4.The Executive Officer, Nageswarswamy Thirukoil, Kumbakonam.

+two cc's to M/s.M.Lakshmi Sankar, Advocate in SR.NO.3508 & 3509/16
 +one cc to M/s.V.Chandrasekar, Advocate in SR.No.3490
 +one cc to The Special Government Pleader in SR.No. 4279/16

Writ Petition (MD) Nos.19784 to
 19790 and 20665 of 2014
 and M.P(MD)Nos.1 to 1 of 2014
 21.01.2016

sms/gb

CSL/PM-MP/03.02.2016/2p/9c