

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.5092, 5093 & 5094 of 2017
& WMP.Nos.5365 to 5367 of 2017

L.Dharmalingam

... Petitioner in
W.P.No.5092/2017

S.Panchatcharam

... Petitioner in
W.P.No.5093/2017

M.Manjula

... Petitioner in
W.P.No.5094/2017

- Vs -

- 1 The Commissioner
Hindu Religious and Charitable Endowments
Department Nungambakkam, Chennai-34
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Vellore-9
- 3 The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department Kancheepuram
- 4 The Executive Officer
Arulmighu Ekambaranathar Thiru Koil Hindu
Religious and Charitable Endowments
Department Kancheepuram- 631 502
Kancheepuram District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned notice dated 20.02.2017 issued by the Fourth Respondent and quash the same.

For Petitioner	:	Mr.J.Lakshmi Narayanan
For Respondents 1 to 3	:	Mr.R.P.Prathap Singh Govt. Advocate (H.R.& C.E.)
For Respondent-4	:	Mr.P.V.Arul Phazamnee

O R D E R

Petitioners in all the three writ petitions challenged the eviction notice on the ground that no opportunity had been given to them. It is the contentions of the petitioners that the Executive Officer had no authority to issue the said eviction notice under Section 78(i) of the H.R.& C.E. Act.

2. Learned counsel appearing for the fourth respondent clarifies the position by stating that it is only a similar notice as contemplated under Section 106 of Transfer of Property Act. In fact, the petitioner is entitled to give reply to same within fifteen days and thereafter as per the procedure, it will be placed before the Joint Commissioner and the Joint Commissioner, after providing opportunity to the petitioner, will decide about the further course of action.

3. In view of the submission made by the learned counsel for the fourth respondent, the petitioners in all the three writ petitions are hereby directed to give reply to the eviction notice within fifteen days from today and thereafter, the Joint Commissioner will pass appropriate orders as contemplated under law duly, by providing opportunity of hearing to the petitioners.

4. With the above observation, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

smi

To

1 The Commissioner
Hindu Religious and Charitable Endowments
Department Nungambakkam, Chennai-34

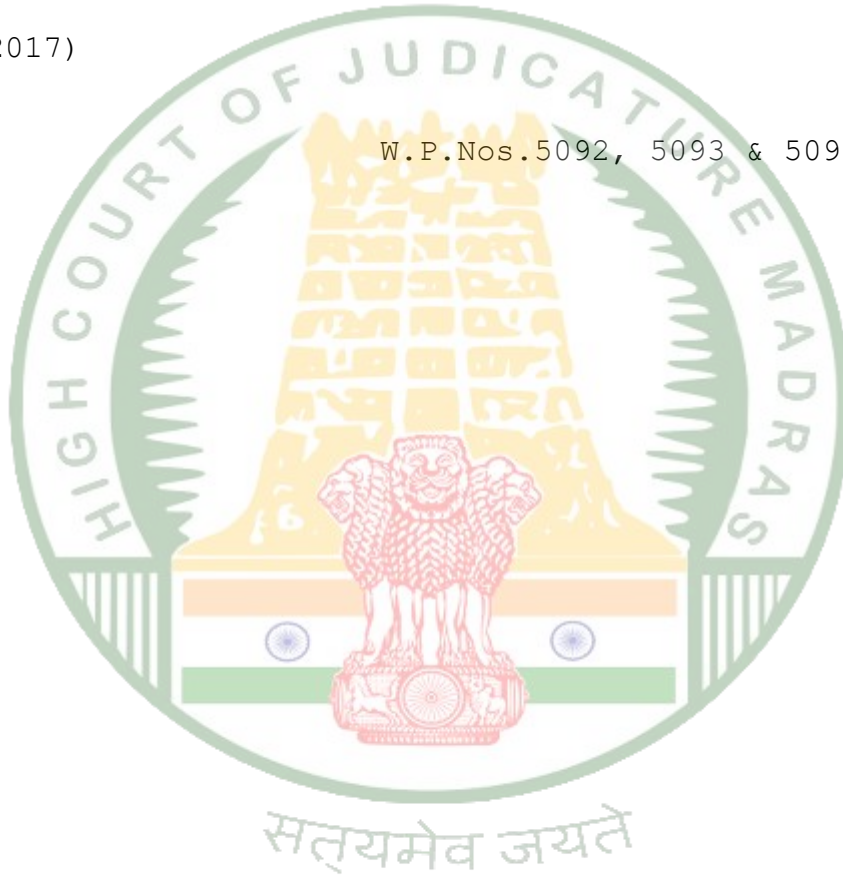
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2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Vellore-9

+3cc to Mr.Arulphazam Nee, Advocate, S.R.No.13526,13527 & 13528
+3cc to Mr.Lakshmi Narayanan, Advocate, S.R.No.13350,13348 &
13349
+1cc to the Government Pleader, S.R.No.13408

mg (CO)
md(16/03/2017)

W.P.Nos.5092, 5093 & 5094 of 2017



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