

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.9310 of 2017 and
W.M.P.No.10293 of 2017

N.Senthilkumar

... Petitioner

Vs.

Inspector,
Hindu Religious and Charitable Endowment Board,
Villupuram - 605 602. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records of the respondent dated 03.03.2017 and to quash the same.

For Petitioner : Mr.M.V.Seshachari

For Respondent : Mr.M.Maharaja,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari to call for the records of the respondent dated 03.03.2017 and to quash the same.

2.It is the case of the petitioner that he along with his family resides in Door No.1/93, Main Road, Raghavanpettai, Siruvakkur Madura, Kalpattu Post, Thiruvallur Taluk for more than 60 years and that he is the 4th generation person to be living in the said property. Considering the poor economical status of the petitioner's family, the Village elders, who were in-charge of the properties of Arulmighu Muthal Vazhiamman Thirukoil, Kalpattu Village, Villupuram Taluk had handed over possession of the Temple property about six decades ago. Further, it is the case of the petitioner that the petitioner and his family members have been residing in the said property by paying necessary penal charges to the Government. The Temple was taken over by the Hindu Religious and Charitable Endowments Department and it falls under the control of the respondent. On 03.03.2017, the respondent issued a notice directing the

petitioner to demolish the superstructure and hand over possession of the property within thirty days. Against this notice, the petitioner has filed the above Writ Petition.

3.Mr.M.Maharaja, learned Special Government Pleader taking notice for the respondent submitted that since the impugned notice dated 03.03.2017 is only recommendatory in nature, the petitioner can contest the proceedings, if any, initiated by the respondent under Section 78 of the Hindu Religious and Charitable Endowments Act.

4.The learned counsel appearing for the petitioner also submitted that liberty may be given to the petitioner to contest the proceedings under Section 78 of the Act before the appropriate authority.

5.In view of the submissions made by the learned counsel on either side, I give liberty to the petitioner to contest the Section 78 proceedings to be initiated against the petitioner in accordance with law. The authority shall decide the Section 78 proceedings in accordance with law, after giving an opportunity of hearing to the petitioner.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

va

To

The Inspector,
Hindu Religious and Charitable Endowment Board,
Villupuram - 605 602.

W.P.No.9310 of 2017 and
W.M.P.No.10293 of 2017

sai[co]
srg 27/04/2017