

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.655 to 660 of 2017

And

W.M.P.Nos.703 to 708 of 2017

K.Venkatesan ... Petitioner in W.P.No.655/2017

Vs.

- 1 The Thakkar / Inspector
Hindu Religious & Charitable Endowments Department,
Omalur, Salem District.
- 2 Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem-1.
- 3 The Assistant Commissioner Executive Officer,
Arulmigu Ulageeswarar Thirukovil,
Hindu Religious & Charitable Endowments Department,
Salem – 636 011.

... Respondents in W.P.No.655/2017

Prayer in W.P.No.655 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.09.2016 within a time stipulated and to dispose the same in accordance to law.

For Petitioners : Mr.N.Vijayabasker

For Respondents : Mr.M.Maharaja

Special Government Pleader (HR & CE)

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.Today, when the matter is taken up for consideration, the only point which is raised by the learned counsel appearing for the petitioners is that the petitioners have been acting as servant of the Temple and enjoying the properties. Therefore, the eviction notice issued to the petitioners is not in accordance with law.

3.In reply, the learned Special Government Pleader (HR & CE) who accepts notice on behalf of the respondents would state that the question of enjoyment of the properties as servant of the Temple itself is denied. He would further state that, only in pursuance of the direction of the Hon'ble Division Bench of this Court to take action against the un-authorised occupants, proceedings under Section 78 of the H.R. & C.E. Act have been initiated and eviction notices have been issued to the petitioners. He would further state that the petitioners are at liberty to raise their points in the proceedings.

4.In view of the submissions made by the learned Special Government Pleader (HR & CE), all these writ petitions are disposed of giving liberty to the petitioners to raise all their points in the

proceedings initiated against them under Section 78 of the H.R. & C.E. Act.

5.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

10.01.2017

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Index: Yes/ No

Internet: Yes/ No

To

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Salem – 636 011.

B.RAJENDRAN,J.

**W.P.Nos.655 to 660 of 2017
And
W.M.P.Nos.703 to
708 of 2017**

10.01.2017

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