

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.11.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.Nos.28407 to 28413 of 2017
and
WMP. Nos.30504 to 30517 of 2017

A.Madheswaran	... Petitioner in WP.No.28407 of 2017
V.S.D.Vellimalai	... Petitioner in WP.No.28408 of 2017
Malarmani	... Petitioner in WP.No.28409 of 2017
P.Saravanan	... Petitioner in WP.No.28410 of 2017
A.Shanmugam	... Petitioner in WP.No.28411 of 2017
P.Anbu	... Petitioner in WP.No.28412 of 2017
M.Rangasamy	... Petitioner in WP.No.28413 of 2017

vs.

1. The Secretary
Government of Tamil Nadu
Tamil Development Religious & Endowments
& Information Department
Secretariat, St.George
Chennai.
2. The Commissioner
Hindu Religious & Charitable Endowment
Chennai-600 034.
3. The Joint Commissioner
Hindu Religious & Charitable Endowment
Salem.
4. The Assistant Commissioner
Hindu Religious & Charitable Endowment
Salem.
5. The Hereditary Trustee
A/M.Sendrayaperumal Temple
Narasothipatty, Salem District ... Respondents

(in WP.Nos.28407 to 28413 of 2017)

COMMON PRAYER:

Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records and to quash the impugned notice dated 01.11.2017 issued by the 5th respondent and served by affixture on 02.11.2017 and direct the 4th respondent not to disturb the possession of the petitioner of the temple property in his occupation.

For Petitioner : Mr.B.Vijayakumar
For Respondents: Mr.M.Maharaja
Special Government Pleader
for R1 to R4
(in WP.Nos.28407 to 28413 of 2017)

C O M M O N O R D E R

The petitioners in all these writ petitions are aggrieved by the notice dated 01.11.2017, calling upon these petitioners to remove their belongings from the respective premises as the possession of the same was scheduled to be taken on 04.11.2017, treating these petitioners as encroachers.

2. Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent of the parties, the main writ petitions themselves are taken up for final disposal at the admission stage.

3. Heard Mr.B.Vijayakumar, learned counsel for the petitioners.

4. The learned counsel for the petitioners submitted that when the appeal filed by these petitioners before the first respondent is pending against the order made in the eviction proceedings, the impugned notice is affixed on the respective premises threatening to evict them. Therefore, he submitted that the present impugned proceedings should be interfered with.

5. On the other hand, the learned Special Government Pleader appearing for HR & CE Department, based on instructions, submitted that the above eviction proceedings has been initiated in pursuant to the order passed by this Court in WP.No.23571 of 2017 dated 18.09.2017 and in fact, the possession was also taken on 04.11.2017 itself and therefore, the petitioners have to agitate the matter only before the first respondent, where the appeal is pending.

6. Considering the above stated facts and circumstances, more particularly, the statements made by the learned Special Government Pleader for HR & CE Department that the possession has already been taken on 04.11.2017, all these writ petitions are disposed of, without expressing any view on the merits of the matter, however, by granting liberty to these petitioners to agitate their respective rights before the first respondent in the appeal, which is said to be pending till this day. The first respondent shall consider the appeal on its own merits and pass orders on the same in accordance with law, after giving due opportunity of hearing to all the parties concerned. Such exercise shall be done by the first respondent as expeditiously

as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Tamil Development Religious & Endowments
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A/M.Sendrayaperumal Temple
Narasothipatty, Salem District.

+1 cc to Mr.B.Vijayakumar Advocate sr 78795
+1 cc to the Govt Pleader sr 79161

W.P.Nos.28407 to 28413 of 2017

rv(co)
aa17/11/2017