



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.01.2017

WEB COPY

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P(MD)No.58 of 2017
and W.M.P.(MD) No.38 of 2017

Singaraj

.. Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Dindigul.

3.The Executive Officer,
A/M. Kamaraya Perumal Thirukoil,
Cumbum, Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of *certiorari* calling for the records pertaining to the 1st respondent in Na.Ka.No.6483/2016/E1 dated 30.11.2016 and quash the same.

For Petitioner : Mr. S.R.Shyam
For R1 & R2 : Mr. T.S.Mohamed Mohideen
Additional Government Pleader
For R3 : Mr. Karuppasamy Pandian

O R D E R

This writ petition is filed challenging the order of the first respondent dated 30.11.2016 passed under Section 78 of the Tamilnadu Hindu Religious and Charitable Endowment Act of Act 22/1959, calling upon the petitioner to vacate and hand over the vacant possession of the property within 30 days, further by indicating that such failure would result in taking further proceedings under the above said Act for recovery of possession from the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the third respondent Temple and the learned Additional Government Pleader appearing for the respondents 1 and 2.



3. It is seen that the petitioner's mother-in-law was a tenant under the third respondent temple and after her demise, the petitioner claims to have occupied the premises without having any valid recognition by the third respondent temple. It is further seen from the reply given by the petitioner, before the second respondent, when a notice was issued calling upon him to vacate, that he has claimed to have handed over such possession in favour of a third party, namely, one Venkatesan and consequently he sought the temple authority to issue notice to the said Venkatesan. First of all, when his possession itself is totally unauthorized and have no sanctity in the eye of law, the contention of the petitioner that he has handed over such possession in favour of the said third party is nothing but an act of audacity and utter abuse of process of law. Such kind of persons should never be shown any lenience.

4. Needless to say that the said action of the petitioner is only to defeat the interest of the third respondent temple from recovering the possession of the property. All these things have been considered by the first respondent while passing the impugned order. Therefore, I find no ground to interfere with the same. Accordingly, this writ petition is dismissed. No costs. Consequently, connected W.M.P.(MD) No.38 of 2017 is also dismissed.

Sd/-

Assistant Registrar[AE]

/True copy/

Sub Assistant Registrar

CM

To,

- 1.The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai
- 2.The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Dindigul

1CC TO MR. S.R. SHYAM, ADVOCATE SR: 1247

1CC TO MR. KARUPPASAMY ADVOCATE SR: 453

1CC TO THE SPL GOVT PLEADER SR:821

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