

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27618 of 2018
and
W.M.P.No.32158 of 2018

K. Arulvelavan

.. Petitioner

versus

The Executive Officer,
A/m. Vilvanadheeswarar Thirukoil,
Vilvarayanatham Village,
Cuddalore Taluk & District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the respondent's impugned notice dated 19.09.2018 and quash the same.

For Petitioner : Mr.S.Sithirai Anandam

For Respondent : Mr.M.Maharaja
Special Government Pleader

O R D E R

The writ petition has been filed to call for the records pertaining to the respondent's impugned notice dated 19.09.2018 and quash the same.

2. The petitioner, who is the agriculturist claims to be the lessee of certain lands belongs to the Vilvanadheeswarar Thirukoil, Vilvarayanatham Village, Cuddalore Taluk, measuring an extent of 1.64 acres. It is stated that he has been in possession of the said lands for several decades. During the year 2005, he had applied for electricity service connection with the permission of the respondent and obtained the service connection. It is stated that there was an old structure in the petition mentioned premises, which had fallen down due to natural calamities. Hence, he had put up a permanent structure

for the purpose of electricity service connection and to safeguard the interest of his cattle.

3. Admittedly, the said act is violative of the lease conditions. The impugned notice was issued to the petitioner on 19.09.2018 under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, calling for an explanation from the petitioner as to why the lease granted to him should not be cancelled for putting the agricultural land to different use. The said notice is challenged now in this Writ Petition. Admittedly, the petitioner has also given an explanation on 01.10.2018.

4. It is only for the authorities to take decision based on his explanation. In the meanwhile, it is stated that pursuant to the order of the Court, the superstructure of the properties also pulled down. As what is challenged in writ petition is only the show cause notice and explanation already has been given by the petitioner.

5. Accordingly, the respondent is directed to consider the explanation, already submitted by the petitioner and after issuing notice to the petitioner and the persons interested in this regard and affording them an opportunity of personal hearing, pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

The Executive Officer,
A/m. Vilvanadheeswarar Thirukoil,
Vilvarayanatham Village,
Cuddalore Taluk & District.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.78210

W.P.No.27618 of 2018

and

W.M.P.No.32158 of 2018

AD(CO)

GSP(12/12/2018)