



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.2183 of 2018andW.M.P (MD) No.2432 of 2018

S.Rajendran

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable and Endowment Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable and Endowment Department,
Madurai.
3. The Deputy Commissioner/Executive Officer,
Hindu Religious and Charitable and Endowment Department,
Arulmighu Kallalagar Thirukovil,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.530/2006/Aa1 dated 12.1.2018 and quash the same.

For Petitioner : Mr.C.Vakeeswaran
For Respondents 1&2 : Mr.P.Kannidevan,
Additional Government Pleader
For 3rd Respondent : Mr.S.Manohar

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 12.01.2018 directing the petitioner to evict the petitioner from the temple property.

2.According to the petitioner, he was a lessee in respect of the disputed property under the third respondent. He is continuously paying the lease amount of Rs.3000/- as per fasli. However, the third respondent without conducting any enquiry has ~~passed an order~~ dated 30.12.2017 cancelling the lease which was not communicated to the petitioner. Subsequently, the third respondent has once again passed an order dated 12.01.2018



directing the petitioner to hand over the lease property to the temple. Challenging the said order, the present writ petition has been filed.

3.Mr.S.Manohar, learned counsel appearing for the third respondent submitted that the lease granted to the petitioner has already been terminated by the third respondent on 30.12.2017. He would further submit that since the lease has already been terminated, the petitioner has to be treated as an encroacher and proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 will be initiated against the petitioner.

4.In view of the said submission, the impugned order passed by the third respondent is set aside and the respondents are at liberty to initiate proceedings against the petitioner under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 for evicting from the property of the temple, if they so desire.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.2432 of 2018 is closed.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable and Endowment Department,
Chennai.

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

+ 1 CC TO MR.S.Manohar, ADVOCATE IN SR No. 46277
+ 1 CC TO MR.C.Vakeeswaran, ADVOCATE IN SR No. 45802
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.46585

sms

MK/SV MMS/SAR-1/08.02.2018/2P/6C

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and
W.M.P (MD) No.2432 of 2018
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