

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.4775 & 4778 of 2019
and
W.M.P.Nos.5405, 5408 & 5409 of 2019

1. M.R.Natarajan

2. A.Natarajan ...Petitioners in both Wps

Vs.

1. The District Collector,
Collectorate Campus,
Moovendar Nagar,
Villupuram District.

2. The District Revenue Officer,
Collectorate Campus
Moovendar Nagar,
Villupuram District.

3. The Revenue Divisional Officer,
Villupuram Town & District.

4. The Tahsildar,
Vikravandi Taluk,
Villupuram District.

5. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600034.

6. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Villupuram Town & District.

7. The Joint Commissioner/Special Officer,
Arulmighu Arunachaleshwarar Thirukovil,
Tiruvannamalai Town. ...Respondents in both WPs

Writ Petition No.4775 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 7th respondent pertaining to the proceedings in Na.Ka.No.541/2014/A6/dated 17.09.2018 and quash the same.

Writ Petition No.4778 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent pertaining to the notice in the proceedings in Na.Ka.A3/25223/2016 dated 23.01.2019 and quash the same.

For Petitioners : Mr.P.Valliappan
(in both Wps)

For Respondents: Mr.I.Sathish
Additional Government Pleader
for R1 to R4
Mr.M.Maharaja
Special Government Pleader for R5 to R7
(in both WPs)

C O M M O N O R D E R

Mr.I.Sathish, learned Additional Government Pleader takes notice for 1st to 4th respondents and Mr.M.Maharaja, learned Special Government Pleader takes notice for 5th to 7th respondents. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions are filed one challenging the proceedings dated 17.09.2018 initiated under Section 78 of the Hindu Religious and Charitable Endowments Act, another challenging a notice of enquiry issued by the District Revenue Officer dated 23.01.2019.

3. Heard, Mr.P.Valliappan, learned counsel appearing for the petitioners, Mr.I.Sathish, learned Additional Government Pleader appearing for 1st to 4th respondents and Mr.M.Maharaja, learned Special Government Pleader appearing for 5th to 7th respondents.

4. It is seen that the petitioners claim title to the subject matter property and thus, these writ petitions are filed by contending that the concerned respondents, who issued the impugned proceedings, have no right or jurisdiction over the property. If the petitioners claim title to the property as the absolute owner, thereby denying the title of the temple, it is for them to resort to the remedies available before the Civil

Court by filing appropriate suit to establish their title. Equally, they can also place the materials before the authorities, who issued the impugned communications to substantiate their claim in respect of the title to the property, as a response to the impugned proceedings. Without doing either of those two actions, the petitioners are not entitled to file the present writ petitions, thereby convert the proceedings before this Court as civil in nature, ultimately, to decide the title over the property.

5. Thus, I find that the petitioners' approach in challenging the impugned proceedings by way of the present writ petitions cannot be entertained. Consequently, without expressing any view on the merits of the claim made by the petitioners, both these writ petitions are disposed of by granting liberty to the petitioners to agitate the matter before the competent Civil Court or make their submissions/objections before the authorities, who issued the proceedings with relevant materials whichever way the petitioners wish to resort. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The District Collector,
Collectorate Campus, सत्यमेव जयते
Moovendar Nagar,
Villupuram District.

2. The District Revenue Officer,
Collectorate Campus
Moovendar Nagar,
Villupuram District.

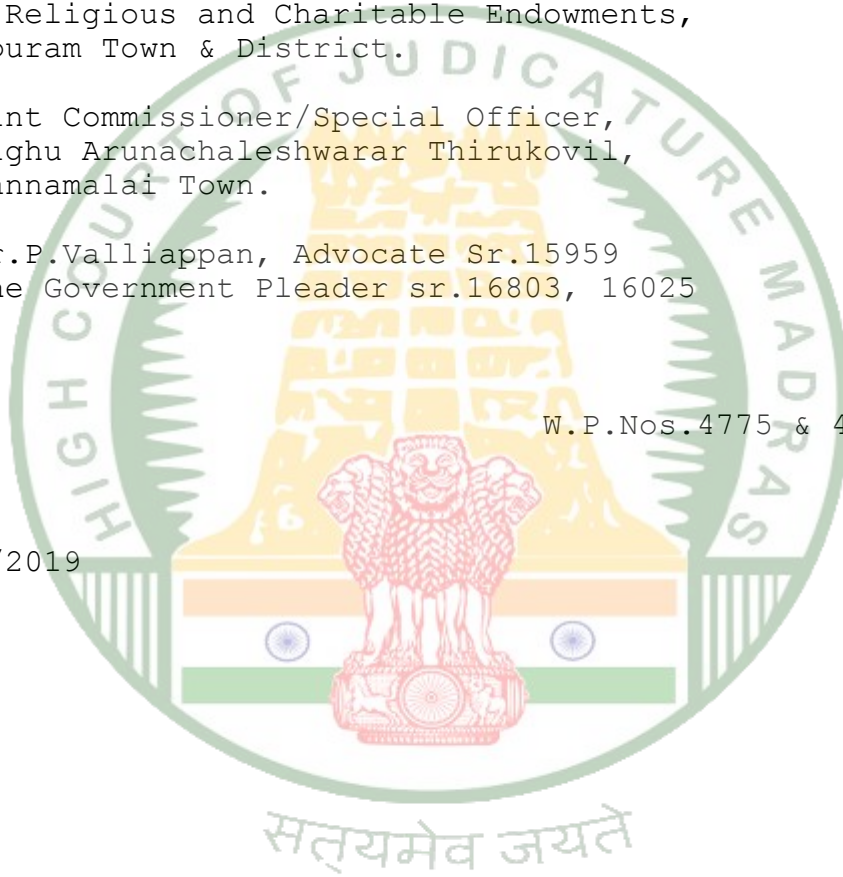
3. The Revenue Divisional Officer,
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4. The Tahsildar,
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Arulmighu Arunachaleshwarar Thirukovil,
Tiruvannamalai Town.

+2cc to Mr.P.Valliappan, Advocate Sr.15959
+1cc to the Government Pleader sr.16803, 16025

W.P.Nos.4775 & 4778 of 2019

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srg 21/03/2019



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