

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4433 of 2019
and
W.M.P.No.4995 of 2019

1. Asea beeve
2. Akbar Ali
3. Mohamed Ali
4. Showkath Ali
5. Hydar Ali
6. Yakath Ali
7. Mohamed Ismael
8. Khader Moidheen
9. Bakrudeen
10. Noordheen
11. Abibunnisha
12. Mehrunisha
13. Dilshath Begum

...Petitioners

Vs.

1. The Executive Officer,
Arulmigu Anjaneyar Thrukovil,
Tiru vi ka Nagar,
Villupuram Town,
Villupuram District.
2. The Joint Commissioner,
Joint Commissioner Office,
Tamilnadu Hindu Religious and Charitable Endowments Board,
Villupuram.
3. The Commissioner,
Tamilnadu Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-600034.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent herein to forbear from any further proceedings in pursuance of the order dated 04.01.2019 passed by the 2nd

respondent in S.M.N.K. No.7868/2013, pending disposal of the appeal under Sec.69 of the HR&CE Act, filed by the petitioners before the Commissioner of HR&CE on 08.02.2019.

For Petitioners : Mr.N.Baaskaran

For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking for a mandamus, forbearing the second respondent from proceeding against the petitioners, in pursuant to his order dated 04.01.2019 passed under Section 78 of the Hindu Religious and Charitable Endowment Act, pending disposal of the appeal filed by the petitioners before the third respondent on 08.02.2019.

3. Heard both sides.

4. It is seen that the second respondent initiated proceedings against the petitioners under Section 78 of the HR&CE Act, and ultimately passed an order on 04.01.2019 calling upon the petitioners to vacate the premises and hand over the vacant possession to the first respondent-Temple. It is seen that the petitioners challenged the said order before the third respondent, by way of an appeal.

5. The grievance of the petitioners before this Court is that pending disposal of the appeal before the third respondent, the first and second respondents may try to dispose the petitioners at any moment. Therefore, they seek some interim protection, pending disposal of the appeal before the third respondent.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners in respect of the appeal filed by them or the merits of the order passed by the second respondent against the petitioners, since it is the respective claim of the parties, which have to be considered and decided in the pending appeal. Since the petitioners have approached the third respondent and filed the appeal, this Court, is of the view that pending disposal of the appeal, the first and second respondents shall not disturb the possession of

the petitioners.

7. Accordingly, this writ petition is disposed of, by directing the third respondent to dispose of the appeal filed by the petitioners within a period of four months from the date of receipt of a copy of this order. Till an order is passed by the third respondent in the appeal, the petitioners shall not be dispossessed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The Executive Officer,
Arulmigu Anjaneyar Thrukovil,
Tiru vi ka Nagar, Villupuram Town,
Villupuram District.
2. The Joint Commissioner,
Joint Commissioner Office,
Tamilnadu Hindu Religious and Charitable Endowments Board,
Villupuram.
3. The Commissioner,
Tamilnadu Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Road, Nungambakkam,
Chennai-600034.

+lcc to Mr. N.Baaskaran, Advocate, S.R.No. 13983

+lcc to the Government Pleader, S.R.No. 14721

KK(CO)
GN(18/02/2019)

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