

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. Nos. 15557, 15561, 15570, 15573, 15579, 15589, 15599 and
15605 of 2019

and

W.M.P. Nos. 15458, 15464, 15470, 15473, 15482, 15494, 15501 and
15505 of 2019

Revathi ... Petitioner in W.P. No. 15557 of 2019
Santhanakrishnan ... Petitioner in W.P. No. 15561 of 2019
Murali ... Petitioner in W.P. No. 15570 of 2019
Babu ... Petitioner in W.P. No. 15573 of 2019
Muthukrishnan ... Petitioner in W.P. No. 15579 of 2019
B. Murali ... Petitioner in W.P. No. 15589 of 2019
D. Venkatesan ... Petitioner in W.P. No. 15599 of 2019
R. Sasikala ... Petitioner in W.P. No. 15605 of 2019

-Vs-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram & District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore & District.
4. The Executive Officer,
Arulmigu Virurdhagireeswarar Temple,
Vriddhachalam Town,
Cuddalore District - 606 001.

... Respondents (in all W.P.s)

Prayer in W.P. No. 15557 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 60 Sq.ft. bounded on the East by Temple Building, West by Sannathi Street, North by Temple site and South by Temple foot path, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 07/2018/c2 (signed on 07.05.2019 and served on 16.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15561 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 104 Sq.ft. of 17.51 bounded on the East by Temple site, West by site, North by Up/down foot path and South by Temple site or Mandapam, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 10/2018/C2 (signed on 03.05.2019 and served on 08.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15570 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 180 Sq.ft. of 17.51 bounded on the East by Temple Mandapam, West by Sannathi Street, North by up/down foot path and South by Sithi Vinayagar Sannathi, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 11/2018/c2 (signed on 03.05.2019 and served on 09.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15573 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 420 Sq.ft. of 17.51 bounded on the East by Temple site, West by Sannathi Street, North by Temple front mandapam and South by Temple building, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 12/2018/c2 (signed on 06.05.2019 and served on 16.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15579 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the

possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 276 Sq.ft. of 17.51 bounded on the East by Temple site, West by Temple site, North by Temple front mandapam and South by Temple building, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 13/2018/c2 (signed on 06.05.2019 and served on 09.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15589 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 85 Sq.ft. of 17.51 bounded on the East by Vallalar Vazhipadu Mandram, West by Temple site, North by Temple front Mandapam and South by Temple buiding, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 14/2018/c2 (signed on 06.05.2019 and served on 09.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15599 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 340 Sq.ft. of 17.51 bounded on the East by East Gopuram kalkara matrathirku, West by 20 beem Mandapam, North by Temple site and South by East gopura steps, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 15/2018/c2 (signed on 07.05.2019 and served on 16.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

Prayer in W.P. No. 15605 of 2019:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents not to interfere with the possession of the Petitioner's shop in S. No. 263/1A4 of an extent of 63 Sq.ft. of 17.51 bounded on the East by Temple site, West by Temple foot path, North by Temple site and South by Temple site, pursuant to the order of the Second Respondent dated 27.02.2019 in M.P. No. 16/2018/c2 (signed on 07.05.2019 and served on 16.05.2019) till disposal of the appeal dated 30.05.2019 pending before the First Respondent.

For Petitioner : Mr. AR. L. Sundaresan,
Senior Counsel
for M/s. AL. Gandhimathi
(in all W.P.s)

For Respondents :Mr. M. Maharaja,
Special Government Pleader
(in all W.P.s)

O R D E R

The Petitioners herein, who are in occupation of shops in the premises of Arulmighu Virudhagireeswarar Temple in Virudhachalam Town of Cuddalore District, suffered orders of eviction dated 27.02.2019 passed by the Second Respondent, in the exercise of powers under Section 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and now claim to have preferred appeals under Section 81 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the First Respondent on 30.05.2019. In these Writ Petitions, it is claimed that till the aforesaid appeals are disposed, their occupation of the respective shops should not be interfered with by the Respondents.

2. Heard Mr. AR. L. Sundaresan, Learned Senior Counsel appearing for the Petitioners and Mr. M. Maharaja, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

3.The Learned Special Government Pleader appearing for the Respondents, on instructions, submitted that the aforesaid appeals would be decided by the First Respondent expeditiously within a period of twelve weeks.

4.Recording the aforesaid submission made, the First Respondent shall ensure to dispose the appeals preferred by the Petitioners after giving full opportunity of hearing and considering each of their contentions by passing reasoned orders on merits and in accordance with law and communicate the same to the Petitioners.

5.It is further informed by the Learned Special Government Pleader, on instructions, that till the aforesaid appeals are disposed by the First Respondent, coercive action for dispossessing the Petitioners shall not be taken by the Respondents. However, this would not preclude the Petitioners from performing their legal obligations including payment of rents due and complying with the directions issued by the concerned authorities including maintenance of the premises in a clean and hygienic manner for public safety and convenience, failing which necessary action for enforcement of the same may be taken against the Petitioners in accordance with law.

6.The Writ Petitions are disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

vjt

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupruam & District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore & District.
4. The Executive Officer,
Arulmigu Virurdhagireeswarar Temple,
Vriddhachalam Town,
Cuddalore District - 606 001.

+8CCs to M/s.AL.Ganthimathi, Advocate, SR.No.46027
+1cc to the Govt.Pleader, Vide Sr.No.47092

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