

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Thirteenth day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

WMP No.35428 of 2019

in WP No.34669 of 2019

1 V.NANDAKUMARI [PETITIONERS]

2 V.KALAIVANI

3 V.DHANASEKAR

4 V.BASKAR

5 V.PRAMILA

Vs

1 THE STATE OF TAMIL NADU [RESPONDENTS]
REP. BY ITS SECRETARY TO GOVERNMENT,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, ST. FORT GEORGE, CHENNAI-9.

2 THE COMMISSIONER
HR AND CE DEPARTMENT, 119, UTHAMAR GANDHI
ROAD, NUNGAMBAKKAM, CHENNAI-34.

3 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, 119, UTHAMAR GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI-34.

4 THE EXECUTIVE OFFICER
EGAMBARAEESWARAR TEMPLE, AMINJIKARAI,
CHENNAI-29.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order staying all further proceedings of the impugned order in RC No.14744/ 2013/A2 passed by the 3rd respondent dated 4.3.2016, pending WP.No.34669 of 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of S.CONCIOUS ELANGO, Advocate for the petitioner and of MR.MAHARAJA SPL.GOV.T.PLEADER on behalf of the Respondents 1 to 4 the court made the following order:-

This Court records the submissions of the learned counsel for the petitioners that the order dated 04.03.2016 came to the knowledge of the petitioner only recently. However, as stated by Mr. Maharaja, Special Government Pleader, who has taken by the notice for Respondents 1 to 4, the 3rd respondent had passed the impugned order as per Section 78 and 79 of the HR & CE Act. It was pointed out that the 3rd respondent therein, Vasudevan died only on 23.01.2017 whereas the order was passed on 04.03.2016. The said third respondent Vasudevan was very much alive and was aware when the order was passed on 04.03.2016. It is however pointed out by the learned counsel for the petitioners that the first and second respondents had died prior to the order. It is also pointed out that Vasudevan was their paternal uncle and owner of the adjacent land. But though the petitioners have mentioned about pendency of O.S.No.2500 of 2018, they have not mentioned that the respondents have obtained an order of injunction against the petitioners. The relevant suit papers have also not been filed before this Court.

2. Even though notice was served on the respondents this is a matter where counter affidavit has to be filed. Hence, it is made clear that order of stay as against the impugned order cannot be passed without hearing both parties in detail.

-sd/-

13/12/2019

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सतयमेव जयते
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT
THE GOVERNMENT OF TAMILNADU, HINDU RELIGIOUS
AND CHARITABLE ENDOWMENT DEPARTMENT,
ST. FORT GEORGE, CHENNAI-9.

2 THE COMMISSIONER
HR AND CE DEPARTMENT, 119, UTHAMAR GANDHI
ROAD, NUNGAMBAKKAM, CHENNAI-34.

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DEPARTMENT, 119, UTHAMAR GANDHI ROAD,
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CHENNAI-29.

C.C. to S.CONCIOUS ELANGO Advocate SR.NO. 14795

Order

in

WMP.35428/2019

in

WP.34669/2019

Date :13/12/2019

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