



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P(MD)NO.12907 OF 2019

and

W.M.P(MD)No.9607 of 2019

K.Madasamy

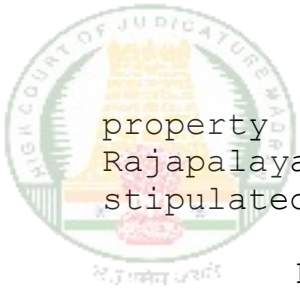
:Petitioner

.vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai,
Sivagangai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Virudhunagar District,
Virudhunagar.
- 4.The Executive Officer,
Arulmighu Nachadai Thavirtharuliya
Swamy Thirukkivil,
Devathanam Village,
Rajapalayam Taluk,
Virudhunagar District.
- 5.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings in Na.Ka.No.996/2004/A-1, dated 20.5.2019 and to quash the same as illegal, arbitrary, violation of law and to direct the respondents 1 to 4 herein to hand-over the possession of the



property situated in S.No.143/3, South Devathanam Village, Rajapalayam Taluk, Virudhunagar District, within the time stipulated by this Court.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.VR.Shanmuganathan
1 to 3 and 5 Special Govt.Pleader

For Respondent-4 : Mr.P.Mahendran

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

This Writ Petition is filed challenging the proceedings of the third respondent, dated 20.05.2019, wherein and whereby, the Petitioner was called upon to hand-over the vacant possession of the subject-matter property on or before 27.5.2019, failing which, by indicating that action will be taken against the Petitioner to evict him from the subject-matter property in accordance with law. Consequently, the Petitioner seeks for a direction to the respondents 1 to 4 to hand-over the possession of the property situated in S.No.143/3, South Devathanam Village, Rajapalayam Taluk, Virudhunagar District.

2.Heard the learned counsel for the Petitioner and the learned counsels appearing for the respondents.

3.The learned counsel for the for the respondents 1 to 5 invited the attention of this Court to the proceedings issued as early as on 3.1.2012 against the Petitioner under Section 78 of the Hindu Religious Charitable and Endowments Act, issuing an order of eviction against the Petitioner, for the reasons stated therein. After inviting our attention to the above proceedings, the learned counsels submitted that the said order was not challenged by the Petitioner and on the other hand, the same was allowed to become final. Therefore, it is submitted that even after the issuance of the said order, the Petitioner continued to be in possession of the subject-matter property unlawfully as an encroacher and therefore, the impugned proceedings was issued on 20.5.2019 to hand-over the possession of the subject-matter property on or before 27.05.2019. The said fact of issuance of the order dated 3.1.2012 is not disputed by the learned counsel for the Petitioner. Now before this Court, both side stated that the Possession has been handed over by the Petitioner on 27.05.2019 itself.

4.In view of the fact that the impugned order has been worked out, as the possession has been handed over to the fourth respondent on 27.5.2019, We find nothing survives to be adjudicated upon further, since the earlier order passed under Section 78 of the Hindu Religious and Charitable Endowments Act has become final



and conclusive and binding on the Petitioner.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

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Virudhunagar District.
5. The Tahsildar, Rajapalayam Taluk,
Virudhunagar District.

+1CC TO MR.G.M.LAW OFFICE, Advocate Sr. No.67534

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67610

ORDER MADE IN
W.P (MD) NO.12907 OF 2019
and
W.M.P (MD) No.9607 of 2019
07.06.2019

AVS (CO)

TR (17.06.2019) 3P 8C