



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1978 of 2019
and
WMP (MD) No.1617 of 2019

G.Thayumanavan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
119, Uthamar Gandhi Salai,
Nungampakkam, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Srirangam, Trichy.

3.The Assistant Commissioner cum
Executive Officer,
Arulmizhu Thaumanavasamy Thirukovil,
Malakovil, Trichy - 2.

4.The District Collector,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the document relating to the impugned order passed by the 3rd respondent in Na.Ka.No.1627/2018/A5 dated 03/01/2019 and consequently may quash the same as illegal and may forbear the respondents from interfering the lease hold right of writ petitioner to coconut, flowers shop at Konavasal, situated on the top of the hills namely Rockfort Malaikovil at Trichy.

For Petitioner : Mr.K.P.Narayanakumar

For R1. R2 & R4 : Mr.K.Mu.Muthu,
Addl., Government Pleader

For R3 :Mr.M.Saravanan

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner has been running a flower shop belonging to the third respondent temple. In fact, an order was passed in favour of one T.P. Marimuthu Pillai way back in the year 1950. After his demise, the writ petitioner's grandmother was running the same till 10.05.1993. Following her demise, the writ petitioner's father was running the shop till 23.04.2007. Thereafter, the writ petitioner has been running the shop. While so, by the impugned order dated 03.01.2019, the third respondent had directed the petitioner to vacate the shop in question. Challenging the same, this writ petition has been filed.

3. It is not in dispute that a number of similarly placed persons like the writ petitioner were asked to vacate their shops following the circular issued by the Hindu Religious and Charitable Endowments Department. Many of them filed writ petitions and they were also dismissed. The matter was taken to the Hon'ble Supreme Court. The Hon'ble Supreme Court in Civil Appeal Nos. 3506-3515 of 2019 and etc., batch allowed the appeals and set aside the impugned orders, but gave liberty to the authorities to take recourse to the remedies provided under the Hindu Religious and Charitable Endowments Act against the appellants individually. The case on hand is squarely covered by the aforesaid order passed by the Hon'ble Supreme Court. Hence, the order impugned in this writ petition is quashed.

4. This writ petition is allowed. The respondents are of course at liberty to take appropriate eviction proceedings against the petitioner in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner,

<https://hcservices.hcprts.go.in/Services/>
Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Salai, Nungampakkam, Chennai.



2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Srirangam, Trichy.

3.The Assistant Commissioner cum Executive Officer,
Arulmizhu Thaumanavasamy Thirukovil,
Malakovil, Trichy - 2.

4.The District Collector, Trichy.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-64796[F] dated
02/05/2019)

+1 CC to M/s.M.SARAVANAN, Advocate (SR-64870[F] dated
02/05/2019)

+1 CC to M/s.SPL GP (SR-65244[F] dated 03/05/2019)

skm

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KM/ (24.07.2019) 3P 8C