



WEB COPY

W.A.[MD]Nos.1022 to 1025 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. [MD]Nos.1022 to 1025 of 2019

and

C.M.P. [MD]Nos.9378 to 9381, 9385 to 9388 of 2019

K.Pandian	: Appellant in W.A[MD]No.1022/19
K.Karuppaiyee Ammal	: Appellant in W.A[MD]No.1023/19
P.Alagu Asari	: Appellant in W.A[MD]No.1024/19
N.Pandian	: Appellant in W.A[MD]No.1025/19

Vs.

1.The District Revenue Officer,
Cholavanthan,Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Assistant Commissioner,
Hindu Religious Charitable and Endowments,
Madurai District.

4.The Executive Officer,
Hindu Religious Charitable and Endowments,
Arulmighu Edaganathaswamy Thirukovil,
Thiruvedagam,
Madurai District.

: Respondents in all Writ Appeals

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.[MD]Nos.17702, 17703, 17737 & 17738 of 2019 dated 30.08.2019 before this Court and allow the Writ Appeal.

Prayer in WP(MD). 17702/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the impugned order passed by the Joint Commissioner Hindu Religious and Charitable Endowments dt.17.7.2017 in M.P.No.10/2017 and consequently the impugned Eviction Notice issued by the 3rd respondent in his proceedings Na.Ka.No.586/2014-3/A1 dt.10.7.2019 and quash the same as illegal and evict the petitioner in due process of law.



Prayer in WP(MD). 17703/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the impugned order passed by the Joint Commissioner Hindu Religious and Charitable Endowments dt.17.7.2017 in M.P.No.05/2017 and consequently the impugned Eviction Notice issued by the 3rd respondent in his proceedings Na.Ka.No.586/2014-2/A1 dt.10.7.2019 and quash the same as illegal and evict the petitioner in due process of law.

Prayer in WP(MD). 17737/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court calling for the records pertaining to the impugned order passed by the Joint Commissioner Hindu Religious Charitable Endowments dated 17/07/2017 in M.P.No.6 of 2017 and consequently the impugned Eviction Notice issued by the 3rd respondent in his proceedings Na.Ka.No.586/2014-4/A1 dated 10/07/2019 and quash the same as illegal and directing the respondents to evict the petitioner in due process of law

Prayer in WP(MD). 17738/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court calling for the records pertaining to the impugned order passed by the Joint Commissioner Hindu Religious Charitable Endowments dated 17/07/2017 in M.P.No.9 of 2017 and consequently the impugned Eviction Notice issued by the 3rd respondent in his proceedings Na.Ka.No.586/2014-1/A1 dated 10/07/2019 and quash the same as illegal and directing the respondents to evict the petitioner in due process of law

For Appellants : Mr.S.M.Mohan Gandhi
For Respondents 1 to 3 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent No.4 : Dr.C.Guhaseela Rupan
[In all Writ Appeals]

COMMON JUDGMENT

[Common Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

By consent of both parties, the Writ Appeals are taken up for final disposal at the admission stage itself.

2.We have heard Mr.S.M.Mohan Gandhi, learned Counsel appearing for the appellants, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for respondents 1 to 3 and Dr.C.Guhaseela Rupan, learned Counsel for the fourth respondent.



3. These appeals are directed against the orders made in W.P. [MD]Nos.17702, 17703, 17737 & 17738 of 2019 dated 30.08.2019.

4. After elaborately hearing the learned Counsel on either side and after perusing the order passed in the Writ Petitions, we find that there is absolutely no ground made out for entertaining these Writ Appeals as the conduct of the appellants has been clearly brought out by the learned Single Bench in the Writ Petitions. Further, the appellants had been given sufficient opportunity. In fact, they have also accepted to pay the rent to the temple. In such circumstances, the plea raised by the appellants that the owner of the land is not the temple is absolutely inconsistent and deserves to be outrightly rejected. Hence, for the above reasons, we find no ground for entertaining these Writ Appeals.

5. After we passed the judgment, learned Counsel for the appellants submitted that as against the order passed under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, the appellants have filed appeals before the Commissioner of the Hindu Religious and Charitable Endowments Department and the appellants are unable to number the appeals because the original orders passed by the Executive Officer under Section 78 of the Act, is required to be filed along with the appeal petitions.

6. In the light of the above reasons, the Writ Appeals are dismissed. Registry is directed to return the impugned orders filed in the Writ Petitions. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1. The District Revenue Officer,
Cholavanthan, Madurai.

2. The Tahsildar,
Vadipatti Taluk,
Madurai District.



3.The Assistant Commissioner,
Hindu Religious Charitable and Endowments,
Madurai District.

4.The Executive Officer,
Hindu Religious Charitable and Endowments,
Arulmighu Edaganathaswamy Thirukovil,
Thiruvedagam,
Madurai District.

5. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

6. The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-92277[F] dated 16/10/2019)

+1 CC to M/s.SPL GP (SR-92475[F] dated 17/10/2019)

+4 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-92429[F] dated 17/10/2019)

+3 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-92680[F] dated 17/10/2019)

Judgment made in
W.A. [MD]Nos.1022 to 1025 of 2019
Dated: 16.10.2019

VB(25.10.2019) 4P 16C