

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6569 of 2011

and

MP.No.1 of 2011

K.Bala Govinda Raju

.. Petitioner

Vs

1.The Joint Commissioner, .. Respondents

H.R.&C.E. Dept.,

Coimbatore-18.

2.The Executive Officer,

Arulmighu Kongalamman Thirukoil,

Erode Town.

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of **Certiorari** to call for the records of the 2nd respondent pertaining to the notice dt.28.2.2011 and quash the same.

For Petitioner : No appearance

For Respondents : Mr.M.Karthikeyan (for R1)

Special Government Pleader

Mr.V.Srikanth (for R2)

ORDER

The petitioner is called absent. I find from the order sheet noting that the petitioner has been absenting himself on most of the dates of hearing even earlier (07.01.2013, 09.01.2013 and 29.01.2013). Pleadings are complete in this matter.

2. The challenge relates to a notice dated 28.02.2011 issued by the Executive Officer, Arulmighu Kongalamman Thirukoil, Erode Town/ R2, in terms of Section 78 of the Hindu

Religious and Charitable Endowments Act, 1959 (in short 'Act') for arrears of rent and non-payment of rent.

3. It is unclear as to the exact date when an arrangement qua the petitioner and the Temple was entered into insofar as the petitioner merely states that the arrangement had been occasioned '60 years' ago. Admittedly, the original arrangement had been qua the petitioner's father and the respondents. No documents have been placed on record to evidence extension of the arrangement in favour of the petitioner.

4. Mr.Karthikeyan, learned Special Government Pleader submits that the impugned proceedings have culminated in an order passed under Section 78 of the Act and this very petitioner has filed a Writ Petition in W.P.No.8461 of 2020 challenging the order of eviction that has come to be dismissed by this Court by order dated 05.08.2020.

5. In the light of the aforesaid, there is no merit in this Writ Petition and the same is dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

sl

To

1.The Joint Commissioner,

H.R.&C.E. Dept.,

Coimbatore-18.

2.The Executive Officer,

Arulmighu Kongalamman Thirukoil,

Erode Town.

WEB COPY

+1 C.C. to Government Pleader SR.NO.37048

W.P.No.6569 of 2011 and

MP.No.1 of 2011

SR(CO)

UM (16.12.2020)



WEB COPY