

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.11356 of 2020
and WMP.No.13848 of 2020

V.Ravi

.. Petitioner

Vs.

- 1 The Commissioner
Hindu Religious and Charitable Endowment Board
Chennai.
 - 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Board
Tiruchirappalli.
 - 3 The Assistant Commissioner
Hindu Religious and Charitable Endowment Board
Ariyalur.
 - 4 The Executive Officer
Arulmigu Poomalai Sanjeevi Rayar Padalaur
Chettikulam Post Alathur Taluk
Permabalur District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, forbearing the respondents from taking eviction proceedings against the petitioner as per the Letter of the third respondent on 20.07.2020 pending disposal of the appeal filed by petitioner before the 1st respondent against the order of the 2nd respondent order dated 05.12.2019.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr. M.Karthikeyan,
Special Government Pleader

O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader accepts notice for the respondents and is armed with instructions to proceed with the matter.

2. By consent expressed by both parties, this Writ Petition is taken up for final disposal even at the stage of admission.

3. The case of the petitioner is that he has been granted a lease of land owned by R4 Temple/Arulmigu Poomalai Sanjeevi Rayar Padalaur, Chettikulam Post Alathur Taluk, Permabalur District and is in occupation and utilization thereof. The petitioner has been visited with an order under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') treating him as an encroacher and has appealed against the same on 29.07.2020 before the Commissioner under Section 81(1) of the Act. The appeal is accompanied an application seeking interim protection, pending appeal, under Section 81(2) of the Act.

4. Section 81(1) and (2) of the Act read as under:

81. Appeals against Joint Commissioners or the orders of Deputy Commissioner under section 80. - (1) Any person aggrieved by an order passed by [the Joint Commissioner or the Deputy Commissioner, as the case may be], under section 80 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Commissioner.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal.

5. Pending statutory appeal and stay petition, the present writ petition has been filed seeking a mandamus forbearing the respondents from evicting the petitioner. In the light of the effective and efficacious statutory remedy provided in Section 81(1) for filing of appeal and Section 81 (2) for seeking interim protection, both of which have been availed by this petitioner, I see no warrant or justification to intervene in the matter.

6. Learned counsel for the petitioner points out that on account of the ongoing pandemic, matters are not being taken up by the Commissioner for disposal.

7. Mr. Karthikeyan, learned Special Government Pleader, however, confirms that the office of the Commissioner is functioning regularly and the application for interim protection will be heard expeditiously over video conference and disposed. This is recorded.

8. By consent expressed by the learned counsel, the interim application filed by the petitioner will heard on Thursday, the 10th of September, 2020 at 10.30 a.m. over video conference. No separate notice need be issued, since learned counsel have taken note of the date now. After hearing the orders shall be passed on the interim application

within a period of two (2) weeks thereafter, i.e., on or before 24.09.2020. The petitioner shall not be evicted till 24.09.2020. The appeal shall thereafter be disposed as expeditiously as possible.

9. With the aforesaid directions, this writ petition is disposed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Hindu Religious and Charitable Endowment Board
Chennai.
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Board
Tiruchirappalli.
- 3 The Assistant Commissioner
Hindu Religious and Charitable Endowment Board
Ariyalur.
- 4 The Executive Officer
Arulmigu Poomalai Sanjeevi Rayar Padalaur
Chettikulam Post Alathur Taluk, Permabalur District.

+1cc to Government Pleader SR.No.28110

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BP (CO)

GMV (19/10/2020)

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