

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.12923 and 12926 of 2020
and
WMP. Nos.15983 and 15986 of 2020

K.Bathamavathi,
W/o. Kanthasamy Sannathi Street,
Vridhachalam Town,
Cuddalore District - 606001.

.. Petitioner in W.P. No.12923 of 2020

Mr.E.Santhanakrishnan,
S/o.Ethirajalu, Sannathi Street,
Vridhachalam Town,
Cuddalore District - 606 001

.. Petitioner in W.P. No.12926 of 2020

Vs.

- 1 The Commissioner,
Hindu Religious and Charitable Endowments
Department, Chennai - 600034.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, Villupuram District.
- 3 The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Cuddalore and District.
- 4 The Executive Officer,
Arulmighu Virurdhagireeswarar Temple,
Vridhachalam Town, Cuddalore District. ... Respondents in
both WPs

Prayer in W.P. No.12923 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus forbearing the respondents not to interfere with the possession of the petitioner's Shop in S.No. 263 / 1A4A(part) of an extent of (18 cross 21) 378 sq ft out of 17.51 acre bounded on the Est to DCB in Murukesan Temple site West to way to River North to temple Vehicle Parking and south to Swamy Car Mandapam pursuant to the order of the 2nd respondent dated 11.12.2019 in

Se.Mu.Na.Ka. 8644 / 2018 / C2/ (signed on 20.07.2020 and served on 04.08.2020) till disposal of Revision Petition dated 26.08.2020 pending before the 1st respondent.
Prayer in W.P. No.12926 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus directing the respondents not to interfere with the possession of the petitioners Shop in S.No. 263 / 1A4A(part) of an extent of (12 cross 15) 180 sq ft out of 17.51 acre bounded on the East to Sannathi Street West to Subramaniya car North to temple site in DCB in the name of Santhana krishnan and south to temple site in DCB in the name of Narayanasamy pursuant to the order of the 2nd respondent dated 11.12.2019 in Se.Mu.Na.Ka. 8806 / 2018 / C2/ (signed on 20.07.2020 and served on 04.08.2020) till disposal of Revision Petition dated 26.08.2020 pending before the 1st respondent.

(In both WPs)

For Petitioner : Mrs.A.L.Gandhimathi

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

C O M M O N 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 learned counsels, these matters are disposed finally even at the stage of admission, since the point involved is short.

3. The prayer is a direction to the respondents not to interfere with the possession of the petitioner's shops in Survey No.263/1A4A(part) (18 cross 21) admeasuring 378 sq. ft. out of 17.51 acre and Survey No.263/1A4A(part) (12 cross 15) admeasuring 180 sq. ft. out of 17.51 acre.

4. The petitioners have been held to be encroachers under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'HR & CE Act'), by order dated 09.03.2020 which orders have been challenged by way of appeal before the 1st respondent. Inter alia, the petitioners have also filed applications seeking stay of the orders and interim protection. The appeals and stay applications have been filed on 26.08.2020. However, since the Registry of the first respondent was not functioning till very recently, the petitioners, apprehending imminent threat to their possession, have filed the present writ petitions.

5. Mr.M.Karthikeyan, learned Special Government Pleader assures the Court that R1 is functional as is his registry and

that the appeals and stay petitions will be numbered and taken up for hearing and disposal shortly. This is recorded.

6. The petitioners will be heard on the stay applications on Friday, the 25th of September 2020 at 10.30 a.m. without awaiting any further notice in this regard. Upon hearing the petitioners and considering their submissions, orders shall be passed on the stay applications within a period of three weeks thereafter i.e. on or before 16.10.2020, in accordance with law.

7. These writ petitions are disposed in the above terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

- 1 The Commissioner,
Hindu Religious and Charitable Endowments
Department, Chennai - 600034.
 - 2 The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, Villupuram District.
 - 3 The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Cuddalore and District.
 - 4 The Executive Officer,
Arulmighu Virurdhagiireeswarar Temple,
Vriddhachalam Town, Cuddalore District.
- +2cc to M/s.Al.Gandhimathi, Advocate, sr no.30371,30372
+1cc to The Government Pleader, sr no.30606,30605

W.P. Nos.12923 and 12926 of 2020
and
WMP. Nos.15983 and 15986 of 2020

KJ(CO)
RMP(28/10/2020)