

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.12985 and 12988 of 2020
and
WMP. Nos.16071 and 16075 of 2020

A.Johnbhaasha,
S/o.Abdulsadhaar, Sannathi Street,
Vridhachalam Town,
Cuddalore District - 606 001

.. Petitioner in W.P. No.12985 of 2020

Mr.N.Gunasekaran,
S/o. Narayanasamy, Sannathi Street,
Vridhachalam Town,
Cuddalore District - 606 001

.. Petitioner in W.P. No.12988 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,
Vriddhachalam Town, Cuddalore District.

.. Respondents in both WPs.

Prayer in W.P. No.12985 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing 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 16) 128 sq.m out of 17.51 acre, bounded on the East to Sannathi Street, West to Temple Site in DCB in the name of Thiyagarajan, North to Way to Temple and south to Temple site in DCB in the name of parvathi, pursuant to the order of the 2nd respondent dated 11.12.2019

in Se.Mu.Na.Ka. 8804 / 2018 / BC2/ (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.12988 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Directing the respondents not to interfere with the possession of the petitioner's Shop in S.No. 263 / 1A4A(part) of an extent of (20 cross 11) 220 sq.ft. out of 17.51 Acre bounded on the East to Temple Site in DCB in the name of Narayanasamy, West to Temple Site in DCB in the name of Ramachandran, North to Subramaniam Car and South way to temple Vehicle parking area, pursuant to the order of the 2nd respondent dated 11.12.2019 in Se.Mu.Na.Ka. 8807 / 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.

For Petitioners : Mrs.A.L.Gandhimathi in both WPs

For Respondents: Mr.M.Karthikeyan,
Special Government Pleader in both Wps.

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 16) admeasuring 128 sq. m. out of 17.51 acre and Survey No.263/1A4A(part) (20 cross 11) admeasuring 220 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 the Office of R1 is functional 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 and appeals 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, final orders shall be passed on the appeals 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 (CJ Conf)

//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,
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+2cc to Mr.AL.Ganthimathi, Advocate, S.R.No. 30369 & 30368

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GP (CO)