



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16504 of 2020

and

W.M.P. (MD) .Nos.13793 & 13794 of 2020

WEB COPY

Kulanthaisamy

... Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

2.The Executive Officer,
Arulmighu Harasaba Vimochana Perumal Thirukovil,
Kandiyur, Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the third respondent's impugned order passed by the second respondent dated 23.10.2020 and quash the same as illegal.

For Petitioner : Mr.P.Manikandan

For R-1 : Mr.K.P.Narayana Kumar
Special Government Pleader

For R-2 : Mr.V.Chandrasekar
Standing Counsel

ORDER

(This Petition was heard through the Video Conferencing)

This Writ Petition has been filed challenging the order dated 23.10.2020 passed by the second respondent calling upon the petitioner to hand over vacant possession of the land belonging to the second respondent Temple on the ground that the petitioner has not been cultivating the lands for the past several years and he has been utilising the same for some other purposes.

2. Mr.C.Ramesh, learned Special Government Pleader, accepts notice on behalf of the first respondent and Mr.V.Chandrasekar, learned Standing Counsel accepts notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.P.Manikandan, learned counsel for the petitioner, Mr.C.Ramesh, learned Special Government Pleader for the



first respondent and Mr.V.Chandrasekar, learned Standing Counsel for the second respondent.

4. It is the contention of the petitioner that he has been in possession of the property belonging to the second respondent Temple measuring to an extent of 19 cents in Survey No.58/4 and 26 cents in Survey No.61/2A situated at Kandiyur, Thiruvaiyaru Taluk, Thanjavur District, for the past several years.

5. According to him, earlier his father Durairaj was in possession of the aforementioned lands till 2004 and when his father died on 02.06.2004, thereafter, he has been enjoying the same without any interruption. According to him, the impugned order has been passed without affording any opportunity to him and without hearing him. It is the case of the petitioner that principles of natural justice has been violated by the second respondent while passing the impugned order. In such circumstances, this Writ Petition has been filed.

6. The learned counsel for the second respondent, on instructions would submit that even though the impugned notice was sent to the petitioner, the second respondent will evict the petitioner only by following the procedure established under law. According to him, the Writ Petition is premature as no proceedings have been initiated till date against the petitioner for eviction.

7. The learned counsel for the petitioner is also satisfied with the submissions made by the learned counsel for the second respondent.

8. Accordingly, the Writ Petition is disposed of as it is premature and a direction is issued to the second respondent to follow the due process of law established under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for evicting the petitioner from the property in his possession.

9. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

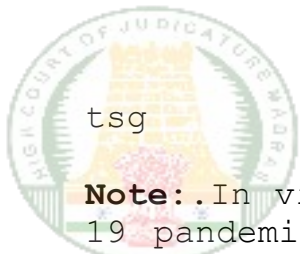
Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



tsg

Note:..In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To
The Joint Commissioner,
Hindu Religious and Charitable Endowments Department, Thanjavur.

+1 CC to M/s.GP (SR-22994[F] dated 26/11/2020)

W.P. (MD) No.16504 of 2020

23.11.2020

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SJ(CO)

KK(04.12.2020) 3P 3C