

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P. No.5196 of 2021
and
WMP. Nos.5762 and 5763 of 2021

1. Mohamed Ibrahim Kabeer @ Si.Saa.Kabeer
2. Regina Banu @ Ayisha Banu

...Petitioners

Vs.

- 1.The Commissioner
Hindu Religious and Charitable Endowments
Administration Department,
Uthamar Gandhi Road, Nungambakkam, Chennai -34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nagapattinam, Nagapattinam District.
- 4.The Executive Officer,
Arulmigu Vedaranyeswara Swamy Temple,
Vedaranyam Town & Taluk, Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Manadmus to call for the records in relating to the order passed by the 1st respondent in R.c.No.55852/2018 D2 dated 26.08.2020 and quash the same and consequently direct the 1st and 2nd respondent for re-enquiry by granting reasonable opportunity to the petitioners for put forth their contentions and the documents regarding the possession of the petitioners in Survey No.899/2 for an extent of 6000 sq.ft. At Chinnankadu, Thopputhurai Post, Vedaranyam Town and Taluk, Nagapattinam District.

For Petitioners : Mr.V.Kasinatha Bharathi
For Respondents : Mr.M.M.Karthikeyan,
Special Government Pleader

ORDER

Learned counsel for the petitioners has made an endorsement to the effect that the petitioners do not pursue this writ petition and seek leave to approach the Revisional Authority, i.e., Secretary to Government, Government of Tamil Nadu, in terms of Section 114 of the Hindu Religious and Charitable Endowments Act, 1959.

2. Hence, this Writ Petition is dismissed as withdrawn. Liberty as sought is granted. Since the Supreme Court in a series of judgments, viz., *In Re: Cognizance for Extension of Limitation* dated 23.03.2020, 06.05.2020, 10.07.2020 and *M/s.SS Group Pvt. Ltd. V. Aaditiya J. Garg & another* (Civil Appeal No.4085 of 2020 dated

17.12.2020) has extended the statutory period of limitation for filing appeals, let an appeal and petition seeking interim protection be filed within a period of one (1) week from today. Such appeal and stay petition, if filed within the aforesaid period, shall be taken on file without reference to limitation and decided as expeditiously as possible. The stay petition shall be disposed by the revisional authority within a period of four (4) weeks from date of receipt of the same.

3. Till the disposal of the appeal, Mr.M.Karthikeyan, learned Special Government Pleader assures the Court that the possession by the petitioners of the property in question shall not be disturbed. Connected Miscellaneous Petitions are closed. No costs.

4. The original impugned order filed along with the Writ Petition is handed over under acknowledgement to the learned counsel for the petitioner, in Court.

सत्यमेव जयते

04.03.2021

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Index: Yes

Speaking order

WEB COPY

DR. ANITA SUMANTH, J.

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To

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