

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.5283, 5288, 5284, 5286, 5285, 5289, 5287 & 5291 OF 2021
WMP.NOS.5845, 5840, 5843, 5846, 5847, 5848, 5851, 5844 OF 2021

Revathi ...Petitioner in WP.No.5283 of 2021
Babu ...Petitioner in WP.No.5288 of 2021
Santhanakrishnan ...Petitioner in WP.No.5284 of 2021
Murali ...Petitioner in WP.No.5286 of 2021
Muthukrishnan ...Petitioner in WP.No.5285 of 2021
R.Sasikala ...Petitioner in WP.No.5287 of 2021
D.Venkatesan ...Petitioner in WP.No.5289 of 2021
B.Murali ...Petitioner in WP.No.5291 of 2021

Vs.

1. The Secretary to Government
Tamil Development Hindu Religious and
Endowment and Information Department
Secretariat Chennai- 9
2. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai- 34
3. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram District
4. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore District

5. The Executive Officer
Arulmigu Virudhagireeswarar Temple
Vridhachalam Town
Cuddalore District- 606001

...Respondents in All WPs

Prayer in WP.No.5283 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus To Forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.NO 263/1A4 of an Extent of 60 Square Feet bounded on the East by Temple Building West by Sannathi Street North By Temple site and South by Temple Foot Path Pursuant to the order of the 2nd Respondent dated 19.3.2020 in A.P.NO 77/2019 (Signed on 10.7.2020) till disposal of the Appeal dated 28.9.2020 pending before the 1st Respondent.

Prayer in WP.No.5288 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.NO.263/1A4 of an Extent of 420 Square feet, of 17.51 Acres bounded on the East by Temple Site, West by Sannathi Street North By Temple Front Mandapam and South by Temple Building, Pursuant to the order of the 2nd Respondent dated 19.3.2020 in A.P.NO.80/2019 (Signed on 10.07.2020) till Disposal of the Appeal dated 28.09.2020 pending before the 1st Respondent.

Prayer in WP.No.5284 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.NO 263/1A4 of an Extent of 104 Square Feet 17.51 Acres bounded on the East by Temple site, West by Temple site North By UP Down foot path and south by Temple site of Front Mandapam, Pursuant to the order of the 2nd Respondent dated 19.03.2020 in A.P.NO.78/2019 (Signed on 10.07.2020) till Disposal of the Appeal dated 28.09.2020 pending before the 1st Respondent.

Prayer in WP No.5286 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus to Forbearing the Respondents not to interfere with the possession of the Petitioner's Shop in S.NO.263/1A4 of an Extent of 180 Square Feet 17.51 Acres bounded on the East by Temple Mandapam, West by Sannathi Street North By up/Down foot path in Front Temple Mandapam and South by Sithi Vinayagar Sannathi, Pursuant to the order of the 2nd Respondent dated 19.03.2020 in A.P.NO.79/2019 (Signed on 10.07.2020) till Disposal of the Appeal dated 28.09.2020 pending before the 1st Respondent.

Prayer in WP.No.5285 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus to Forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.No.263/1 A4 of an extend of 276 Sq.ft. of 17.51 Acre bounded on the East by Temple Site, West by Temple Site, North by Temple front Mandapam and South by Temple building, pursuant to the order of the 2nd Respondent dated 19/03/2020 in A.P.No.81/2019 (signed on 10/07/2020) till disposal of the appeal dated 28/09/2020 pending before the 1st Respondent.

Prayer in WP No.5289 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus to Forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.No.263/1 A4 of an extend of 340 Sq.ft.of 17.51 Acre bounded on the East by East Gopuram Kalkara matrathirku, West by 20 beem Mandapam, North by Temple Site and south by East gopura steps, pursuant to the order of the 2nd Respondent dated 19/03/2020 in A.P.No.83/2019 (Signed on 10/07/2020) till disposal of the appeal dated 28/09/2020 pending before the 1st Respondent.

Prayer in WP No.5287 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus to Forbearing the Respondents not

to interfere with the possession of the Petitioners Shop in S.No.263/1 A4 of an extend of 63 Sq.ft.of 17.51 Acre bounded on the East by Temple Site, West by Temple foot path, North by Temple and south by Temple site pursuant to the order of the 2nd Respondent dated 19/03/2020 in A.P.No.84/2019 (signed on 10/07/2020) till disposal of the appeal dated 28/09/2020 pending before the 1st Respondent.

Prayer in WP No.5291 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, or any other writ, order in the nature of Writ of Mandamus to Forbearing the Respondents not to interfere with the possession of the Petitioners Shop in S.No.263/1 A4 of an extend of 85 Sq.ft. of 17.51 Acre bounded on the East by Vallalar Vazhipadu Mandram, West by Temple Site, North by Temple from Mandapam and south by Temple building, pursuant to the order of the 2nd respondent dated 19/03/2020 in A.P.No.82/2019 (signed on 10/07/2020) till disposal of the appeal dated 28/09/2020 pending before the 1st Respondent.

In all WPs
For Petitioner : Mrs.A.L.Ganthimathi
For Respondents : Mr.M.Karthikeyan
Special Government Pleader

C O M M O N O R D E R

Heard Mrs.A.L.Ganthimathi, learned counsel for the petitioners and Mr.M.Karthikeyan, learned Special Government Pleader for the official respondents including Executive Officer of the Arulmigu Virurdhagireeswarar Temple, Vriddhachalam Town, Cuddalore District (Temple)/R5.

2. Proceedings were initiated in terms of Section 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 evicting occupants of several shops in the vicinity of the Temple, including the petitioners. Writ petitions filed by similarly placed occupants had come up for consideration of this Court and Justice P.D.Audikesavalu had passed orders dated 07.06.2019 in W.P.Nos.15557 of 2019 and batch directing the petitioners therein to file appeals challenging the orders under Section 80 and protecting their occupation of the property till such time the appeals were disposed.

3. Justice C.V.Karthikeyan, while considering the cases of other similarly placed occupants, by order dated 26.02.2020 in W.P.No.4505, 4508, 4510 & 4513 of 2020, also relegated the petitioners to statutory appeal, however, not protecting their occupation in the interim.

4. The appeals filed by all occupants have come to be dismissed by way of a common order passed in A.P.No.77 to 84 of 2019 on 19.03.2020, by the Principal Secretary/Commissioner which is said to be the subject matter of revision before the Secretary to Government in terms of Section 114 of the Act. The appeals have been filed on 28.09.2020 along with applications seeking interim protection and are, admittedly, pending.

5. As far as these writ petitions are concerned, the prayer is short and only for mandamus forbearing the respondents not to interfere with the possession of the shop till such time the appeals filed by the petitioners are heard and disposed by R1.

6. Since applications for stay have been filed before the first respondent, it is for the petitioners to pursue the same and obtain orders as may be appropriate. I see thus no reasons for orders to be passed by this Court on this score. Be that as it may, Mr.Karthikeyan assures the Court that the application for stay will be heard and disposed expeditiously. This is recorded. Let this be done within a period of four weeks from today after hearing the petitioners.

7. Since the petitioners have been in occupation for long, I am inclined to direct that status quo as on date continue till such time the stay applications are taken up and disposed as in the paragraph 6 above. These writ petitions are disposed in the aforesaid terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ska

To

1. The Secretary to Government
Tamil Development Hindu Religious and
Endowment and Information Department
Secretariat Chennai- 9

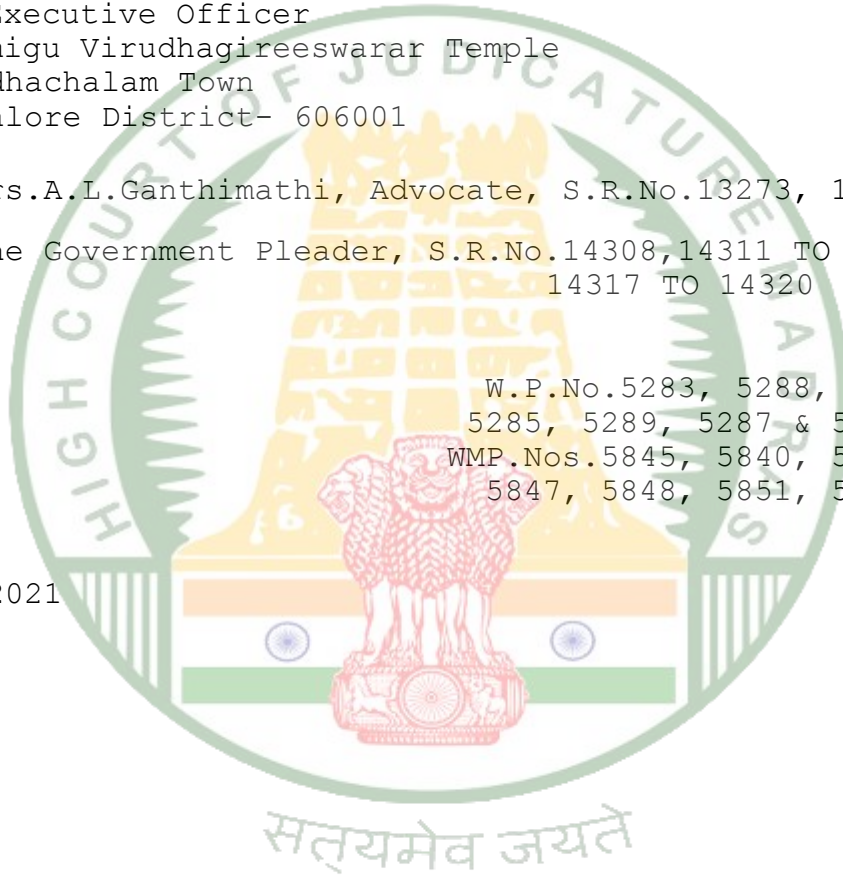
2. The Commissioner
Hindu Religious and Charitable Endowment
Department Chennai- 34
3. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Villupuram District
4. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department cuddalore District
5. The Executive Officer
Arulmigu Virudhagireeswarar Temple
Vriddhachalam Town
Cuddalore District- 606001

+8cc to Mrs.A.L.Ganthimathi, Advocate, S.R.No.13273, 13274

+1cc to the Government Pleader, S.R.No.14308,14311 TO 14313,
14317 TO 14320

W.P.No.5283, 5288, 5284, 5286,
5285, 5289, 5287 & 5291 of 2021
WMP.Nos.5845, 5840, 5843, 5846,
5847, 5848, 5851, 5844 of 2021

AKI (CO)
CS/07/04/2021



WEB COPY