

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.Nos.11192, 11194, 11195, 11197, 11201, 11205, 11207,
11209, 11216, 11218, 11219 of 2021
and W.M.P.Nos.11839, 11841, 11845, 11846, 11851, 11852, 11853,
11857, 11865, 11868, 11871 of 2021

Aysha Banu	...	Petitioner	in W.P.No.11192	of 2021
Fathimagani	...	Petitioner	in W.P.No.11194	of 2021
Moideen Pichai	...	Petitioner	in W.P.No.11195	of 2021
Jareena Begum	...	Petitioner	in W.P.No.11197	of 2021
Syed Sulthan Beevi	...	Petitioner	in W.P.No.11201	of 2021
Habeeba	...	Petitioner	in W.P.No.11205	of 2021
Mohammed Sheriff	...	Petitioner	in W.P.No.11207	of 2021
Yusuf Sha	...	Petitioner	in W.P.No.11209	of 2021
Jainudeen	...	Petitioner	in W.P.No.11216	of 2021
Jagabar Nachiya	...	Petitioner	in W.P.No.11218	of 2021
Jafaraullah Khan	...	Petitioner	in W.P.No.11219	of 2021

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Uthama Gandhi Road,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.
- 4.The Executive Officer,
Arulmigu Vedaranyeswaraswamy Temple,
Vedharanyam Taluk,
Nagapattinam District. ..Respondents in all Writ Petitions

PRAYER in W.P.No.11192 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.28, 29 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.892/1 to an extent of one acre 0.14 cents, S.No.892/3 to an extent of one acre 86 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District to an extent of three acres without following due process of law.

PRAYER in W.P.No.11194 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.43, 44 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.894/1 to an extent of 0.17 cents, S.No.894/6 to an extent of 0.08 cents, S.No.896/1 to an extent of 0.70 cents, S.No.897/2 to an extent of 0.67 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11195 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.12, 45 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.899/2 to an extent of 0.25 1/3, S.No.894/2 to an extent of one acre 24 cents, S.No.67/1 to an extent of 0.36 2/3 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District to an extent of acre 1.62 cents, without following due process of law.

PRAYER in W.P.No.11197 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.26, 27 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.897/1 to an extent of 0.33 cents, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11201 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.20, 21 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive

action against the petitioner occupation in S.No.892/02 acre 1.95 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11205 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.34 and 35 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.898/2 to an extent of 0.40 cents, S.No.901/1 to an extent of 0.40 cents, S.No.895/2 to an extent of 20 cents, total one acre, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11207 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.18 and 19 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.892/3 to an extent of acre 1.50 cents, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11209 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent Notice No.42 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.67/2 to an extent of 44 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11216 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent three Notices No.23, 24 and 25 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey S.No.894/04 to an extent of 0.62 cents, S.No.896/1 to an extent of 2 acres 0.7 cents, S.No.896/2 to an extent of 0.13 cents, S.No.899 to an extent of 30 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District without following due process of law.

PRAYER in W.P.No.11218 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent Notice No.22 dated 13.04.2021 and quash the

same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in S.No.892/3, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District to an extent of 2 acres, without following due process of law.

PRAYER in W.P.No.11219 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, (a) to call for the records of the 4th respondent two Notices No.46 and 15 dated 13.04.2021 and quash the same as illegal, arbitrary and non est in law and (b) forbearing the respondents 2, 3 and 4 from taking coercive action against the petitioner occupation in Survey No.895/2 to an extent of 94 2/3 cents, S.No.895/2 to an extent of 66 2/3 cents, S.No.67/1 to an extent of an 36 2/3 cents without following due process of law.

For Petitioners: Mr.G.Mohammed Aseef
in all Writ Petitions

For Respondents: Mr.Sajeev Kumar, Spl. G.P
in all Writ Petitions

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking the above mentioned prayers.

2. what is challenged in these writ petitions is the proceedings issued under Sections 78, 79 of HR & CE Act, 1959. Instead of responding to the proceedings, these petitioners have directly approached this Court by invoking the extraordinary remedy under Article 226 of the Constitution of India. The petitioners can always represent to the authority concerned in response to the impugned proceedings and convince the authority that their occupation of the respective premises is not an encroachment. These petitioners have an ample opportunity to convince the authority by duly responding to the notice. But, it is certainly not open to them to rush to this Court at this stage by filing the present writ petitions.

3. Therefore, these writ petitions are premature and cannot be entertained at this stage. Accordingly, these writ petitions stand dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petitions are closed.

gsk

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Uthama Gandhi Road, Nungambakkam, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.

4.The Executive Officer,
Arulmigu Vedaranyeswaraswamy Temple,
Vedharanyam Taluk,
Nagapattinam District.

+1 cc to Government Pleader Sr.(HR &CE) 27510, 27511,
27512, 27513, 27514, 27515, 27516, 27517, 27518, 27519, 27520,
27476, 27477, 27478, 27479, 27480

W.P.Nos.11192, 11194, 11195,
11197, 11201, 11205, 11207, 11209,
11216, 11218, 11219 of 2021
and W.M.P.Nos.11839, 11841,
11845, 11846, 11851, 11852,
11853, 11857, 11865, 11868,
11871 of 2021

Sr.No.-II(CO)
EU 8.7.2021

सत्यमेव जयते

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