



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.12774 of 2018

And

WMP Nos.14993 and 16861 of 2018

S.Muniyappan

.. Petitioner

VS.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Chennai - 34.

2.The Executive Officer,
Arulmighu Nageswaraswamy Thirukovil,
Vijayamangalam,
Perunthurai Road,
Erode District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent's impugned order dated 07.05.2018 and quash the same as illegal.

For Petitioner : Mr.M.Purushothaman

For Respondent-1: Mr.N.R.R.Arun Natarajan,
Government Advocate.

For Respondent-2: Mr.K.Ashok Kumar



O R D E R

The impugned notice, issued by the second respondent, dated 07.05.2018, is under challenge in the present writ petition.

2. The impugned notice states that the petitioner should vacate the temple premises within 15 days and pay the arrears of rent.

3. The learned counsel for the petitioner made a submission that the petitioner is willing to withdraw the writ petition.

4. The learned Government Advocate, appearing on behalf of the first respondent, made a submission that the petitioner is in illegal occupation of the temple premises and not paying the rent for several years. Thus, the Authorities are initiating steps to vacate the petitioner by invoking Section 78 of the Hindu Religious and Charitable Endowments Act, 1959.

5. This Court is of the considered opinion that as per the provisions of the Hindu Religious and Charitable Endowments Act, 1959, any illegal occupation in respect of the temple premises is to be evicted by following the procedures contemplated. Thus, if the petitioner is in illegal occupation of the temple premises, he is liable to be evicted by following the procedures as contemplated under the Hindu Religious and Charitable Endowments Act, 1959.

6. This being the factual position placed before this Court, the respondents have to ascertain the facts in respect of the illegal occupation or otherwise and initiate all appropriate actions by following the procedures as contemplated under the Hindu Religious and Charitable Endowments Act, 1959.



7. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

Svn

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.

2.The Executive Officer,
Arulmighu Nageswaraswamy Thirukovil,
Vijayamangalam,
Perunthurai Road,
Erode District.

+1CC to Mr.K.Ashok Kumar, Advocate, SR.No. 54060

+1CC to M/s.M.Purushothaman, Advocate, SR.No. 53921

WP 12774 of 2018

MG(CO)
B.VC (02/11/2021)