



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.17294, 17298, 17301, 17305, 17308 and 17309 of 2021

and WMP Nos.18314, 18318, 18320, 18323, 18327 and 18329 of 2021

Jareena Begum

...Petitioner in W.P.No.17294 of 2021

Syed Sultan Beevi

...Petitioner in W.P.No.17298 of 2021

Jegabar Nachiya

...Petitioner in W.P.No.17301 of 2021

Fathimagani

...Petitioner in W.P.No.17305 of 2021

Mohaideen Pitchai

...Petitioner in W.P.No.17308 of 2021

Habeeba

...Petitioner in W.P.No.17309 of 2021

Vs

- 1 The Secretary
Hindu Religious and Charitable Endowments
Administration Department Secretariat St.
George Fort Chennai
- 2 The Commissioner
Hindu Religious and Charitable Endowments
Administration Department Uthama Gandhi
Road Nungambakkam chennai-34
- 3 The Joint Commissioner
Hindu Religious and Charitable Endowment
Administrative Department Nagapattinam District
- 4 The Assistant Commissioner
Hindu Religious and Charitable Endowment
Administration Department Nagapattinam District
- 5 The Executive Officer
Arulmigu Vedaranyeswaraswamy Temple
Vedharanyam Taluk Nagapattinam District



- 6 The District Collector
District Collectorate office Nagapattinam District
- 7 The District Revenue Officer
District collectorate office Nagapattinam District
- 8 The Revenue Divisional officer
Vedharanyam Nagapattinam District
- 9 The Tasildhar
Vedharanyam Nagapattinam District
- 10 The Superintendent of Police
Office of Superintendent of Police
Nagapattinam
- 11 The Deputy Superintendent of Police
Office of Deputy superintendent of Police
Vedharanyam Nagapattinam District
- 12 The Inspector of Police
Vedharanyam Nagapattinam District

... Respondents in the above W.Ps

PRAYER in W.P.No.17294 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner in Survey No.897/ 1 to an extent of 0.33 cents Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

PRAYER in W.P.No.17298 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner in Survey No.892/ 2 to an extent of 1.95 cents Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

PRAYER in W.P.No.17301 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner in Survey No.892/ 3 to an extent of 2 acres Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.



PRAYER in W.P.No.17305 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner in Survey Nos.894/1 to an extent of 0.17 cents, 894/6 to an extent of 0.08 cents, 896/1 to an extent of 0.70 cents and 897/2 to an extent of 0.67 cents, Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

PRAYER in W.P.No.17308 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner 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 and S.No.67/1 to an extent of 0.36 2/3 cents, Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

PRAYER in W.P.No.17309 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents particularly the 3rd to 5th respondents from evicting the petitioner in Survey No.898/ 2 to an extent of 0.40 cents, S/No.901/1 to an extent of 0.40 cents and S.No.895/2 to an extent of 0.20 cents, total one acre Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

For Petitioner in the above W.Ps : Mr.G.Mohammed Aseef
For Respondents in the above W.Ps : Mr.N.R.R.Arun Natarajan
Government Advocate - R1
to R5
Mr.TNC.Kaushik
Government Advocate -R6 to R12

C O M M O N O R D E R

Mr.N.R.R.Arun Natarajan, learned Government Advocate accepts notice for R1 to R5 and Mr.TNC.Kaushik, learned Government Advocate accepts notice for R6 to R12 and both are armed with instructions to proceed with the matter finally, particularly in the light of the prayer putforth by the petitioners. Hence, by consent of the learned counsel for the petitioner as well as both the learned Government for the respondents, these Writ Petitions are taken up for final disposal even at the stage of admission.



2. The petitioners pray for a mandamus forbearing the respondents particularly the 3rd to 5th respondents, being the Joint Commissioner, Assistant Commissioner of Hindu Religious and Charitable Endowment Administration Department and the Executive Officer, Arulmighu Vedaranyeswaraswamy Temple, Vedharanyam Taluk, Nagapattinam District (temple/temple in question) from evicting the petitioners in Survey No.897/ 1 to an extent of 0.33 cents (W.P.No.17294 of 2021), Survey No.892/ 2 to an extent of 1.95 cents (W.P.No.17298 of 2021), Survey No.892/ 3 to an extent of 2 acres (W.P.No.17301 of 2021), Survey Nos.894/1 to an extent of 0.17 cents, 894/ 6 to an extent of 0.08 cents, 896/1 to an extent of 0.70 cents and 897/2 to an extent of 0.67 cents (W.P.No.17305 of 2021), Survey No.899/ 2 to an extent of 0.25 1/3 cents, S/No.894/2 to an extent of one acre 24 cents and S.No.67/1 to an extent of 0.36 2/3 cents (W.P.No.17308 of 2021) and Survey No.898/ 2 to an extent of 0.40 cents, S/No.901/1 to an extent of 0.40 cents and S.No.895/2 to an extent of 0.20 cents (W.P.No.17309 of 2021), Vadakattalai Chinnagkadu Vedaranyam Town Nagapattinam District without following the due process of law.

3. Mr.Arun would state that proceedings for eviction in terms of Section 78 of the Hindu Religious Charitable Endowments Act, 1959 (in short 'Act') have already been initiated as against the petitioners and in a batch of Writ Petitions bearing Nos.W.P.No.11192 of 2021 (and batch) the notices were challenged. The said Writ Petitions have come to be dismissed on 04.06.2021 by a learned single Judge of this Court holding that the challenge is pre-mature and that it was more appropriate for the petitioners to appear before the respondents and plead their case.

4. Mr.Arun would state that the petitioners did not thereafter appear before the respondents. In any event, he assures the Court that the respondents have every intention of following the due process of law and it is only for this purpose that they have been seeking appearance of the petitioners, to no avail.

5. In order to resolve the lis, it would suffice that the petitioners be directed to appear before R3 and fix a date for such appearance. Let the petitioners appear before the Joint Commissioner/R3 on 26.08.2021 at 10.30. a.m. without expecting any further notice in this regard. After hearing the petitioners, proceedings initiated under Section 78 be completed within a period of two (2) weeks thereafter. It is made clear that if the petitioners do not appear on the aforesaid date and time, the respondents are at liberty to proceed in line with the provisions of law, specifically, Section 78 and 79 of the Act.



6. These Writ Petitions are disposed as above. No costs.
Connected Miscellaneous Petitions are closed.

Sd/-

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Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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SRA (CO)
KKV/24/08/2021