



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.25255 of 2017

R.Balusamy

... Petitioner

Vs

1 The Commissioner
Hindu Religious & Charitable Endowment Board
No.119 Uttamar Gandhi Salai
Nungambakkam High Road, Nungambakkam,
Chennai-34

2 The Executive Officer,
Arulmigu isuwesaraswami Visalatchiamman
Subramaniaswami Temples, Nallur,
Tirupur Taluk and District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records of the 2nd respondent dated 11.10.2013 and the subsequent confirmation order passed by the 1st respondent in Na.K.aNo.16865 M2 dated 01.08.2017 and quash the same.

For Petitioner : Mr.Hemanth Veeraraghavan
for Mr.s.Sivakumar

For Respondents : Mr.N.R.R.Arun Natarajan,
Government Advocate - R1
Mr.K.Ashok Kumar - R2

O R D E R

Heard Mr.Hemanth Veeraraghavan, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Government Advocate for R1 and Mr.Ashok Kumar, learned Standing Counsel for R2.

2. The petitioner claims to own and possess a house site comprised in S.No.247 at Nallur Village, Tirupur District admeasuring 1950 sq.ft. of a total area of 6.58 cents (property/property in question). He claims to have purchased the same by way of a sale deed dated 14.07.2003 registered in



the office of the Sub-Registrar, Nallur. Construction has been effected thereafter on the plot.

3. While this is so, a dispute has been raised by the Hindu Religious and Charitable Endowments Department (HR & CE) with regard to the title to the property and the impugned order has been passed by R1 confirming the orders of the lower authorities to the effect that the title to the property in question vests in the temple and not the petitioner. The Commissioner has, in fact, permitted the authorities to file a Civil Suit to determine the question of title and the HR & CE Department has filed O.S.No.252 of 2017 before the Sub-Court, Tirupur seeking declaration of title to the aforesaid property. The petitioner before me is arrayed as a defendant in the aforesaid suit.

4. In the light of the aforesaid, it is appropriate that this question is decided by the Sub-Court, Tirupur and the fate of the impugned order will depend upon the outcome of the Suit. This Writ Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner
Hindu Religious & Charitable Endowment Board
No.119 Uttamar Gandhi Salai
Nungambakkam High Road, Nungambakkam,
Chennai-34

Copy to :-

The Subordinate Judge, Tiruppur

+1cc to Mr.K.Ashok Kumar, Advocate, S.R.No.33483

+1cc to Mr.s.Sivakumar, Advocate, S.R.No.34405

W.P. No.25255 of 2017

GPL (CO)
CT(24/08/2021)