



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.07.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P (MD) Nos.12622, 12623, 12624 and 12625 of 2021

and

W.M.P (MD) .Nos.9849, 9850, 9851 and 9852 of 2021

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P.Nagalakshmi ... Petitioner in W.P(MD).No.12622 of 2021
V.Narayanan ... Petitioner in W.P(MD).No.12623 of 2021
K.Sundararajan ... Petitioner in W.P(MD).No.12624 of 2021
S.Malathi ... Petitioner in W.P.(MD).No.12625 of 2021

Vs.

1.The Commissioner,
Hindhu Religious and Charitable Endowments Board,
119, Utthamar Gandhi Saalai,
Numgampakkam,
Chennai-14.

2.The Joint Commissioner/Executive Officer,
Hindhu Religious and Charitable Endowments Board,
Arulmigu Subramaniaswami Thirukovil,
Thiruparankundram,
Madurai District.

3.The Assistant Commissioner,
Hindhu Religious and Charitable Endowments Board,
Madurai.

4.The District Collector,
Madurai District, Madurai.

5.The Thasildhar,
Thiruparankundram Taluk,
Madurai.

6.The Sub Registrar,
Thiruparankundram,
Madurai-6.

... Respondents in all W.Ps

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings of the second respondent in Miscellaneous Petition Nos.117 of 2019,

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121 of 2019, 119 of 2019 and 118 of 2019, respectively dated 16.06.2021, under Section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and quash the same.

For Petitioners : Mr.M.Gururaj
(In all W.Ps)
For Respondent : Mr.M.Lingadurai
(In all W.Ps) Government Advocate
for R1 and R3 to R6
Mr.S.Manohar for R2

COMMON ORDER

All these Writ Petitions have been filed challenging the order passed by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Madurai, in petitions filed under Section 78 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. Heard Mr.M.Gururaj, learned counsel appearing for the petitioners, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents Nos.1 and 3 to 6 and Mr.S.Manohar, learned counsel appearing for the second respondent.

3. In the considered view of this Court, the Joint Commissioner has categorically found that the petitioners are encroachers and therefore, they have to hand over the possession of the property to the Temple. If the petitioners are claiming independent right or title over the property, it is for them to establish the same before a competent Civil Court and this Court exercising its jurisdiction under Article 226 of the Constitution of India cannot go into that question. The order passed by the Joint Commissioner has virtually created a cloud over the so-called title of the petitioners and therefore, the petitioners will have to necessarily work out their remedy only before the Civil Court to establish their title. This Court does not find any reason to interfere with the order passed by the Joint Commissioner and this Court is not inclined to entertain these Writ Petitions.

4. In the result, all these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

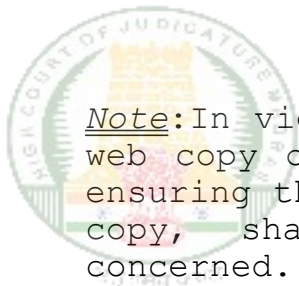
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/ /2021

Sub Assistant Registrar(CS)

tsg

<https://hcservices.ecourts.gov.in/hcservices/>



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To:

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5. The Thasildhar,
Thiruparankundram Taluk,
Madurai.
6. The Sub Registrar,
Thiruparankundram,
Madurai-6.

+2 CC to M/s.S.MANO HAR, Advocate (SR-24222[F] dated 28/07/2021)

+1 CC to M/s.SPL GP (SR-24387[F] dated 29/07/2021)

W.P(MD)Nos.12622, 12623,
12624 and 12625 of 2021

and
W.M.P(MD) .Nos.9849, 9850,
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RD(2.08.2021) 3P 10C