



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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W.P. (MD)Nos.18497, 18516 and 18528 of 2021

and

WMP(MD) Nos.15263, 15290 and 15302 of 2021

WP(MD) No.18497 of 2021:

Saiva Siddhanda Noorpathippu Kazhakam,
Shop No.118A, Iruttu Mandapam,
Arulmigu Meenakshi Sundareshwara Temple,
Madurai - 625 001.

Rep. by A.Thirugnanasambandam

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
119, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
B1 Road, Ellis Nagar, Madurai 625 016.
3. The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareshwara Temple,
Madurai - 625 001.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
B1 Road, Ellis Nagar, Madurai 625 016.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the fourth respondent in Na.Ka.No.2726/2019-1/Aa1 dated 24.09.2021 which is served to the petitioner on 05.10.2021 and quash the same as illegal until the culmination of statutory appeal pending before the first respondent in A.S.S.R.No.70724 dated 01.10.2021 and consequently direct the third respondent not to dispossess the petitioner's shop No.118A situated at Iruttu Mandapam, Arulmigu Meenakshi Sundarareshwarar Temple, Madurai.



For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.P.Subbaraj
Counsel for the State for R1, R2 & R4
Mr.V.R.Shanmuganathan for R3

WP (MD) No.18516 of 2021:

Sri Meenakshi Sundareshwarar Kovil
Kadaikarargal Sangam, (Regd.No.1/1960),
Rep. by its President,
Rajunagulu

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Nungambakkam,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Ellis Nagar, Madurai.
3. The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareshwara Temple,
Madurai.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai.
5. The District Collector,
District Collector Campus,
Madurai-625 020.
6. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
7. The Inspector of Police,
Arulmigu Meenakshi Sundareshwara Temple
Police Station,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4, not to evict the members of the petitioner's association from their shops till the disposal of the statutory appeals dated 27.09.2021, 28.09.2021 and 04.10.2021 preferred to the first respondent under Section 81 of the HR & CE Act, 1959.



For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.P.Subbaraj
Counsel for the State for R1, R2
& R4 to R7
Mr.V.R.Shanmuganathan for R3

WP (MD) No.18528 of 2021:

S.Ramadoss

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Nungambakkam,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Ellis Nagar, Madurai.
3. The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareshwarar Temple,
Madurai.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai.
5. The District Collector,
District Collector Campus,
Madurai-625 020.
6. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
7. The Inspector of Police,
Arulmigu Meenakshi Sundareshwara Temple
Police Station,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari by calling for the records of the impugned eviction notice of the fourth respondent in Na.Ka.No.2672/2019/Aa1 dated 24.09.2021 against the petitioner's shop in Door No.18-19 at Meenakshi Nayakar Mandapam, Arulmigu Meenakshi Sundrareswar Thirukovil, Madurai and quash the same as illegal and arbitrary.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.K.S.Selva Ganesan
Counsel for the State for R1, R2
& R4 to R7
Mr.V.R.Shanmuganathan for R3

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COMMON ORDER

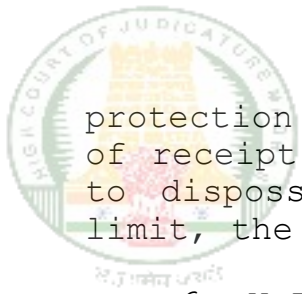
In all these writ petitions, separate orders dated 24.09.2021 of the fourth respondent are challenged. Pursuant to proceedings initiated under Section 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (the Act of 1959), orders were issued on or about 15.06.2021. The present impugned order is consequential thereto.

2. The individual petitioners before this Court and some of the members of the Sri Meenakshi Sundareswara Kovil Kadaikarargal Sangam filed appeals before the first respondent under Section 81 of the Act of 1959.

3. Therefore, the main contention of the respective petitioner is that such petitioner cannot be dispossessed once an appeal is filed until such appeal is disposed of. For such purpose, the respective petitioner relies upon Section 81(5) of the Act of 1959.

4. On the other hand, Mr.V.R.Shanmuganathan, learned Standing Counsel for the third respondent submits that Section 81(2) enables an appellant to seek a stay in such appeal. Therefore, it is submitted that the present writ petitions constitute parallel proceedings. He also raises an objection to the maintainability of the writ petition at the instance of the association. In such regard, he points out that orders were issued to individual shop owners and it is such individual shop owners who have filed appeals under Section 81 of the Act of 1959. He also points out that action was initiated against the shop owners pursuant to a serious fire accident.

5. Given the fact that the respective petitioner or the members of the petitioner's association have filed appeals under Section 81 and may have also taken out stay applications in the respective appeal, the matter should be adjudicated by the appellate authority and not under Article 226 by this Court. Nonetheless, it is submitted by the respective petitioner that dispossession is imminent and, therefore, interim protection is required. By taking into account the fact that such shop owners have been in possession of the respective shops for a considerable period of time, it is just and necessary that interim protection be extended to the petitioners, including the members of the petitioner association in W.P(MD).No.18516 of 2021 who have filed appeals before the appellate authority under Section 81 of the Act of 1959. Such interim



protection shall operate for a period of fifteen days from the date of receipt of a copy of this order and restrain any coercive steps to dispossess such person. Upon expiry of the said fifteen day limit, the interim order shall stand discharged *ipso facto*.

6. W.P.(MD)Nos.18497, 18516 and 18528 of 2021 are disposed of on these terms without any order as to costs. Consequently, connected WMP(MD) Nos.15263, 15290 and 15302 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Nungambakkam,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Ellis Nagar, Madurai.
3. The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareshwara Temple,
Madurai.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai.
5. The District Collector,
District Collector Campus,
Madurai-625 020.
6. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.



7. The Inspector of Police,
Arulmigu Meenakshi Sundareshwarar Temple
Police Station,
Madurai.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-31647[F] dated 07/10/2021)

+1 CC to M/s.SPL.GP (SR-31772,SR-31769,SR-31948[F] dated 08/10/2021)

W.P. (MD)Nos.18497, 18516 and 18528 of 2021

07.10.2021

RD(18.10.2021) 6P 10C