



W.P. No. 7256 of 2022 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 7256 to 7258, 7260, 7263, 7264, 7269, 7272 to 7274, 7277, 7287, 7289, 7292, 7294, 7295, 7296, 7635, 7638, 7668, 7670, 7679, 7682, 7685, 7686, 7688, 7691, 7693, 7711, 7713, 7755, 7757, 7758, 7759 and 7762 of 2022

and

W.M.P. Nos. 7286 to 7289, 7292, 7294, 7302, 7304, 7305, 7307, 7310, 7319, 7320, 7326, 7329, 7334, 7335, 7645, 7647, 7672, 7673, 7676, 7678, 7683, 7686, 7687, 7692, 7694, 7726, 7729, 7771, 7772, 7774 to 7776 and 7778 of 2022

W.P. No. 7256 of 2022:-

Razvi Ahamed

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.
 2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
 3. The Executive Officer,
Arulmigu Vinayakar Temple,
Bazaar Street,
II Ward,
Harur Town,
Dharmapuri District.
(R3 is *suo motu* implied vide order dated 30.11.2022)
- Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice dated 15.02.2022 in Na. Ka. No. 1844/1999-11/A6 of the Second Respondent and quash the same.

For Petitioner : Mr. AR.L.Sundaresan, Senior Counsel
for M/s. AL.Ganthimathi (in all W.P.s)

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(in W.P. Nos. 7256 to 7258, 7260, 7263,
7264, 7269, 7272 to 7274, 7277, 7287, 7289,
7292, 7294, 7295, 7296 of 2022)

Mr. K.Karthikeyan,
Government Advocate
(In W.P. Nos. 7635, 7638, 7668, 7670,
7679, 7682, 7685, 7686, 7688, 7691, 7693,
7711, 7713, 7755, 7757, 7758, 7759 and
7762 of 2022)

COMMON ORDER

Heard Mr. AR.L.Sundaresan, Learned Senior Counsel appearing for the Petitioners, Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners in these Writ Petitions have filed suits before the



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Sub-Court, Harur against the Assistant Commissioner, Dharmapuri and the

Joint Commissioner, Salem of the Hindu Religious and Charitable Endowments

Department of the Government of Tamil Nadu seeking declaration of title to the

respective properties in their occupation and permanent injunction restraining

interference with their peaceful possession and enjoyment of those properties

and other connected reliefs as per the particulars shown below:-

S. No.	Writ Petition Number	Name of the Petitioner	Suit Number	Name of the Plaintiff	Date of next hearing
1.	W.P. Nos. 7256 to 7258, 7260, 7263, 7264, 7269, 7272, 7273, 7274, 7277, 7287, 7289, 7292, 7294 to 7296 of 2022	Razvi Ahamed	O.S. No.195 of 2019	Razvi Ahamed	30.01.2023
2.	W.P. No. 7635 of 2022	R.Prabhu Shankar	O.S. No. 135 of 2022	Prabhu Sankar and Kirbasankar	23.01.2023
3.	W.P. No. 7638 of 2022	P.Ponnusamy	O.S. No. 193 of 2019	Ponnusamy	29.11.2022
4.	W.P. Nos. 7668 and 7670 of 2022	M.Vishwanathan	O.S. No. 183 of 2019	M.Vishwanathan	07.02.2023
5.	W.P. Nos. 7679, 7685 and 7686 of 2022	V.Suresh	O.S. No. 194 of 2019	Suresh	07.02.2023
6.	W.P. Nos. 7682, 7688, 7691 and 7693 of 2022	R.Gangadharan	O.S. No. 229 of 2019	R.Srinivasan and Kangatharan	30.01.2023
7.	W.P. Nos. 7711 and 7713 of 2022	S.Indrani	O.S. No. 199 of 2019	Indirani	30.01.2023
8.	W.P. No. 7755 of 2022	Vediappan	O.S. No. 184 of 2019	Vediyappan Dhanalakshmi and Sindhu	07.02.2023
9.	W.P. No. 7757 of 2022	B.Sampoornam	O.S. No. 106 of 2022	Samboornam	28.11.2022
10.	W.P. No. 7758 of 2022	Soundaravalli	O.S. No. 185 of 2019	Soundaravalli and Singaram	30.01.2023
11.	W.P. No. 7759 of 2022	K.G.Pushpanathan	O.S. No. 210 of 2019	K.G.Pushpanathan	30.01.2023
12.	W.P. No. 7762 of 2022	H.P.Ashokan	O.S. No. 116 of 2022	H.P.Ashokan and Parthiban	25.01.2023



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It is the case of the Petitioners that despite pendency of the said suits and applications for interim injunction therein, the First and Second Respondents were taking action to dispossess them from those properties, which has warranted them to file these Writ Petitions challenging the impugned orders dated 11.10.2019, 15.02.2022 and 14.03.2022 calling upon them to vacate and hand over possession, failing which action would be taken for evicting them.

3. This Court at the time of admission on 25.03.2022, 30.03.2022 and 31.03.2022 had granted interim stay of the impugned orders (except W.P. Nos. 7635, 7757 and 7758 of 2022), which has been extended on 18.04.2022, 27.04.2022 and 29.04.2022 and continues to be in force till date.

4. It is contended by the First and Second Respondents that the land comprised in S. No. 22/2A of an extent of 1 acre 10 cents and S. No. 22/2C of an extent of 41 cents situated in Varnatheertham Village, Harur absolutely belongs to Arulmigu Vinayagar Thirukoil, Harur Town, Dharmapuri District, which has been *suo motu* impleaded as the Third Respondent in each of these Writ Petitions by order dated 30.11.2022 passed by this Court, and that eviction of the persons in unlawful occupation of the said property has been ordered by the Joint commissioner, Hindu Religious and Charitable Endowments



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Department, Salem by proceedings in M.P. No. 36/1999/E2 dated 27.04.2001

under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short). It is highlighted that the orders, which are challenged in these Writ Petitions, are consequential notices for implementation of the said order of eviction passed against the Petitioners, which has attained finality. In response to the said claim, the Petitioners plead that no such order of eviction has been served on them, which has been clearly mentioned in the plaint in their respective suits. As the Third Respondent, viz., Arulmigu Vinayakar Temple, Harur, had not been made as party in the said suits, it is reported that in furtherance to the order dated 17.11.2022 passed by this Court, the Petitioners have filed impleading petitions in all those suits (except O.S. No. 185 of 2019) in which notice has been ordered for appearance of the proposed party on 20.12.2022 before the Sub-Court, Harur. Learned Senior Counsel appearing for the Petitioners represents that such application would be filed in O.S. No. 185 of 2019 also.

5. In order to shorten litigation and expedite the disposal of the said suits, Learned Counsel for the Respondents state that it would be informed before the Sub-Court, Harur, where the suits are pending, that there is no objection for impleading the Third Respondent as another Defendant in those suits, and



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pleadings would be completed by filing Written Statements preferably before the next date of hearing.

6. Since Learned Counsel appearing for the Petitioners, on instructions, has undertaken that the Petitioners would not alienate or sell or mortgage or make any encumbrance or alter the physical features or deal with the properties in any other manner and Learned Counsel for the Petitioners has filed a memo dated 01.12.2022 to that effect, which is placed on record, the impugned orders in these Writ Petitions shall be kept in abeyance till the disposal of those suits. It shall be ensured by the Sub-Court, Harur that there is atleast one effective hearing every week in all the suits showing progress of the respective cases and monthly reports are sent to the Registrar (Judicial) of the Court till the matters are finally disposed. It is needless to add here that no view has been expressed by this Court on any of the contentious issues between the parties, which shall be determined on the basis of the evidence adduced by them in the suits on merits on merits and in accordance with law.

7. In the upshot, these Writ Petitions are disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.



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Index: Yes/No

Note: Issue order copy by 04.01.2023.

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
3. The Executive Officer,
Arulmigu Vinayakar Temple,
Bazaar Street,
II Ward,
Harur Town,
Dharmapuri District.

Copy to

1. The Presiding Officer,
Sub-Court,
Harur,
Dharmapuri District.
2. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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