



W.P. Nos. 7634, 7749 and 7751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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

W.P. Nos. 7634, 7749 and 7751 of 2022

and

W.M.P. Nos. 7644, 7764 and 7765 of 2022

V.Palaniammal
2022

... Petitioner in W.P. No. 7634 of

G.Thenmozhi

... Petitioner in W.P. Nos. 7749 and 7751 of 2022

-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,
Bazzar Street,
II Ward,
Harur Town,
Dharmapuri District.
(R3 is *suo motu* implied vide order dated 30.11.2022)

...

Respondents

Prayer in W.P. No. 7634 of 2022:- 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 14.03.2022 in Na. Ka. No.



W.P. Nos. 7634, 7749 and 7751 of 2022

1844/1999-1/A6 of the Second Respondent and quash the same.

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Prayer in W.P. No. 7749 of 2022:- 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 14.03.2022 in Na. Ka. No. 1844/1999-32/A6 of the Second Respondent and quash the same.

Prayer in W.P. No. 7751 of 2022:- 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 14.03.2022 in Na. Ka. No. 1844/1999-33/A6 of the Second Respondent and quash the same.

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

For Respondents : Mr. K. Karthikeyan,
Government Advocate (in all W.P.s)

COMMON ORDER

Heard Mr. A.R.L. Sundaresan, Learned Senior Counsel appearing for the Petitioners 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



W.P. Nos. 7634, 7749 and 7751 of 2022

District Munsif 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
1.	W.P. No. 7634 of 2022	V.Palaniammal	O.S. No. 94 of 2019	Palaniyammal
2.	W.P. Nos. 7749 and 7751 of 2022	G.Thenmozhi	O.S. No. 82 of 2019	Thenmozhi

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 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 31.03.2022 had granted interim stay of the impugned orders, which has been extended on 18.04.2022 and continues to be in force till date.



W.P. Nos. 7634, 7749 and 7751 of 2022

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 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, Learned Senior Counsel appearing for the Petitioners represents that petitions to implead the Third Respondent, viz., Arulmigu Vinayakar Temple, Harur, would be filed in the said suits shortly.



W.P. Nos. 7634, 7749 and 7751 of 2022

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 District Munsif Court, Harur, where the suits are pending, that there is no objection for impleading the Third Respondent as another Defendant in those suits, and 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 District Munsif 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.



W.P. Nos. 7634, 7749 and 7751 of 2022

7. In the upshot, these Writ Petitions are disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

01.12.2022

2/2

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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,
District Munsif Court,
Harur,
Dharmapuri District.
2. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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W.P. Nos. 7634, 7749 and 7751 of 2022

P.D. AUDIKESAVALU, J.

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W.P. Nos. 7634, 7749 and 7751 of 2022

01.12.2022

2/2