



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.8587 of 2022

and

W.M.P.No.8499 of 2022

Sri Venkateswara Matriculation
Higher Secondary School,
rep. by its Correspondent,
N.Venkatessan

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore-12.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thiruvallur District.
3. The Honorary Agent,
Arulmigu Veeraraghava Swamy Devasthanam,
Thiruvallur - 602 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare the parallel proceedings issued under Sec. 78 of Hindu Religious and Charitable Endowments Act, initiated by the 1st respondent in M.P.No.47/2022/Aa1 dated 14.03.2022 as arbitrary, illegal and without jurisdiction in so far as the petitioner school building in the leased out lands in S.No.480, Thiruvallur, covered by the interim order passed in O.S.No.43 of 2019 on the file of District Munsif Court, Thiruvallur.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr. S.Yeshwant,
Addl. Govt. Pleader (HR & CE)



O R D E R

This Writ Petition has been filed challenging a proceedings initiated under Sec.78 of Hindu Religious and Charitable Endowments Act, directing the petitioner to submit his objection for eviction.

2. Mr.G.Sankaran, learned counsel appearing for petitioner would submit that, the petitioner school obtained a lease from one Parthasarathy, who is an agent of 3rd respondent temple, which has been periodically extended till date. When the 3rd respondent is taking steps to evict the petitioner, the petitioner has filed a suit in O.S.No.43 of 2019, on the file of District Munsif, Tiruvallur and also obtained an order of status quo. Pending Suit, the 2nd respondent has issued a notice under Sec.78 of H.R. & C.E. Act, for evicting the petitioner school from the leased out land. Challenging the same, the present Writ Petition has been filed.

3. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

4. On perusal of records, it could be seen that, the land belongs to Arulmigu Veeraraghava Swamy Devasthanam and one Parthasarathy claiming to be agent of the said temple executed a lease deed in favour of temple, it is not known, what is the right of the said Parthasarathy or who authorise him to execute a lease in favour of petitioner. That apart, the suit has been filed seeking for permanent injunction restraining the 3rd respondent temple from interfering with the peaceful possession and enjoyment of petitioner's school till they are evicted by due process of law. Now, the 2nd respondent treating the petitioner as an encroacher, had issued a notice under Sec.78 of H.R. & C.E. Act for eviction. In view of the same, the prayer sought in the suit is also become infructuous. In the above circumstances, the petitioner cannot seek the relief as prayed in this Writ Petition. Accordingly, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to appear before the 2nd respondent and raise all their objections. On filing objections, the 2nd respondent is directed to consider objections, and after giving a personal hearing to the petitioner, pass suitable orders on merits and in accordance with law. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



rpp

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore-12.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thiruvallur District.
- 3.The Honorary Agent,
Arulmigu Veeraraghava Swamy Devasthanam,
Thiruvallur - 602 001.

+1cc to Mr.G.Sankaran, Advocate SR. No. 24780

W.P.No.8587 of 2022

RSV (CO)
PR (20/05/2022)