



W.P. No. 26826 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

W.P. No. 26826 of 2022

and

W.M.P. No. 25888 of 2022

R.Gnanamani

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

2. The Executive Officer,
Sri Pralayakaleswarar Temple,
Pennadam,
Cuddalore - 606 105.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to not to interfere with the peaceful possession of the Petitioner in Door No. 107, Sannadhi Street, Pennadam, Tittagudi Taluk, Cuddalore - 606 105.

For Petitioner : Mr. V.Raghavachari

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. V.Raghavachari, Learned Counsel for the Petitioner and
Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader who takes



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notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is in occupation of the property situated at Door No. 107, Sannadhi Street, Pennadam, Tittagudi Taluk, Cuddalore - 606105 belonging to the Temple of the Second Respondent, contends that apart from making certain donations, she has paid rent for the said property from the years 2004 to 2006 and has been maintaining 'Nandhavanam' for growing flowers for the said Temple in that property. In that backdrop, the Writ Petition has been filed to restrain the Respondents from interfering with the peaceful possession of the said property occupied by her.

3. Learned Special Government Pleader appearing for the Respondents, on instructions, states that the said property, which is in occupation of the Petitioner, is required for locating the office of the Executive Officer of the Temple of the Second Respondent and necessary action would be taken resorting to Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) for taking possession of the property from her in accordance with law.



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4. In such circumstances, the Petitioner is not precluded from raising her objections for resumption of the property by the Respondents in the proceedings under Section 78 of the Act and it shall be incumbent upon the concerned authorities to duly consider the same and pass reasoned orders on merits and in accordance with law. However, it is not possible to grant any blanket relief as sought in the Writ Petition.

In fine, the Writ Petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.10.2022

vjt

Index: Yes/No

Note: Issue order copy by 07.11.2022.

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.
2. The Executive Officer,
Sri Pralayakaleswarar Temple,
Pennadam,
Cuddalore - 606 105.



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P.D. AUDIKESAVALU, J.

vjt

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