



W.A.No.2586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.A.No.2586 of 2022

G.Mani alias Kalaimani

.. Appellant

Vs

- 1 The Commissioner
Hindu Religious and
Charitable Endowments Department
Nungambakkam, Chennai - 600 034.
- 2 The Joint Commissioner
Hindu Religious and
Charitable Endowments Department
Villupuram - 605 602.
- 3 The Assistant Commissioner
Hindu Religious and
Charitable Endowments Department
Cuddalore - 607 002.
- 4 Arulmighu Selvavinayagar and
Arulmughu Dharmaraja Koil,
Rep. by its Executive officer
No.1, Sanjeevi Naidu Street
Varadharaja Perumal Koil Premises
Thirupadiripuliyur
Cuddalore - 607 002.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 2.11.2020 passed by the learned Single Judge in W.P.No.15584 of 2020.

For the Appellant : Mr.K.Raja
for M/s.M.Kaviveerappan

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

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 2.11.2020 passed by the learned Single Judge in W.P.No.15584 of 2020.

2. Mr.K.Raja, learned counsel for the appellant, submitted that when the temple authorities filed a suit for recovery of the land in question and failed before the trial court; the first appellate court; and, the second appellate court, wherein a finding was rendered that the temple has miserably failed to establish the title and ownership of the land in question, it is certain that the appellant is



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in lawful possession and enjoyment of the property and, therefore, the learned Single Judge ought to have quashed the notice dated 10.12.2019 issued to the appellant to show cause as to why the encroachment should not be removed.

3. We are unable to accept the aforesaid submission made by learned counsel for the appellant for the following reasons. Firstly, when the appellant claims that he is the owner of the land, it is for him to give a suitable reply/explanation to the show cause notice. Secondly, the appellant has not produced any document before us to prove his title over the land in question. On this score, the writ appeal is liable to be dismissed.

4. However, taking note of the liberty granted to the appellant by the learned Single Judge to approach the authorities concerned to establish his case, we direct the appellant to approach the second respondent/Joint Commissioner with all the documents available with him to establish the title over the property in question.



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5. In such view of the matter, the writ appeal fails and is dismissed. There will be no order as to costs. Consequently, C.M.P.No.20398 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
29.11.2022

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