



WEB COPY

W.P.(MD)No.10015 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.10015 of 2022

and

W.M.P (MD) No.7136 of 2022

S.Kishore Kumar

... Petitioner

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Dindigul.

3. The Assistant Commissioner,

Hindu Religious and Charitable Endowments Department,
Dindigul.

4. The Chairman,

Board of Trustee,
Arulmighu Santhakula Sowmianarayana Kavaraya Kattalai,
Palani Town and Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent issued in Na.Ka.No.1736/2021-1/A3, dated 09.05.2022 and quash the same and forbear the Respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in respect of the Shop situate in Door No.1/6 in S/No.836/2, Gandhi Road, Arulmighu Santhakula Sowmianarayana Kavaraya Kattalai Commercial Complex, Palani Town and Taluk, Dindigul District measuring an extent of 320 S.fts pending adjudication of Revision Petition in C.No.22391 of 2022 filed against the order of the second respondent in Miscellaneous Petition 168/2021, dated 19.04.2022 pending before the first respondent.

For Petitioner

: Mr.A.K.Gopalan

For R1 to R3

: Mrs.D.Farjana Ghoushia
Special Government Pleader

For R4

: Mr.G.Prabhu Rajadurai



O R D E R

The petitioner has challenged the order dated 09.05.2022 passed by the third respondent, under which he has been directed to vacate the premises as per the provisions of the Hindu Religious and Charitable Endowments Act (hereinafter referred to as "the HR & CE Act"). Aggrieved by the same, the petitioner has filed the Statutory Revision under Section 21 of the HR & CE Act before the first respondent.

2. According to the petitioner, the Revision Petition is yet to be numbered by the first respondent. However, the respondents are now attempting to evict the petitioner based on the impugned order.

3. Admittedly, the petitioner has filed a Statutory Revision under Section 21 of the HR & CE Act before the first respondent and the same has not been numbered till date. The statutory right of the petitioner should not be deprived. Therefore, the interest of the petitioner over the premises must be protected till his statutory revision is numbered by the first respondent.

4. The learned counsel for the petitioner seeks time till 30.06.2022 for getting the statutory revision numbered and for obtaining stay from the first respondent.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 as well as the learned counsel appearing for the fourth respondent has not raised any serious objections for the aforesaid submission.

6. After recording the submissions made by the respective counsels, this writ petition is disposed of by granting stay of the impugned order till 30.06.2022 enabling the petitioner to number the Statutory Revision filed by him under Section 21 of the HR & CE Act. This Court is not expressing any view on the merits of the matter. It is for the first respondent to take a call on merits and thereafter, decide as to whether the impugned order can be stayed or not. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Vacation
Officer)

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/ /2022

Sub Assistant Registrar(CS)



1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

+1 CC to M/s.SPL.GP (SR-24081[F] dated 23/05/2022)

+3 CC to M/s.AK. GOPALAN, Advocate (SR-24107[F] dated 24/05/2022)

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