



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2022

CORAM

**THE HONOURABLE MR. JUSTICE C.SARAVANAN**

Writ Petition (MD) No.12938 of 2018

and

W.M.P. (MD) Nos.11827 & 11903 of 2018

WEB COPY

1.A.Suravali Pitchai  
2.P.Muniappan  
3.P.Mani  
4.K.Nataraj

.. Petitioners

Versus

1.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Tiruchirappalli - 5.

2.The Block Development Officer,  
S.Kannanur Town Panchayat,  
Mannachannalur Taluk,  
Trichy District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in M.P.No.19/2018/B4, dated 04.01.2018, on the file of the first respondent and quash the same as illegal.

For Petitioners : Ms.K.R.Shivashankari  
for Mr.M.Siddharthan

For Respondents : Mr.P.Subbaraj  
Special Government Pleader

### ORDER

The petitioner has challenged the impugned notice dated 04.01.2018, bearing M.P.No.19/2018/B4 of the first respondent - Joint Commissioner, issued under Section 80(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act'].

2.It is submitted that the petitioners are running small shops and that the impugned proceeding is contrary to Section 80 of the H.R. & C.E. Act, inasmuch as no report of the Assistant Commissioner having jurisdiction over the Temple has been generated. That apart, it is submitted that the petitioners are paying licence fee to the second respondent - Block Development Officer. It is therefore submitted that the impugned notice is without jurisdiction. That apart, it is submitted that the respondents are forcing to evict the petitioners even though they have been issued with the impugned notice.



3. Opposing the prayer, the learned Special Government Pleader for the respondents submits that there is no proposal directly to evict the petitioners without following due process of law. It is for this purpose, the impugned notice has been issued. It is therefore submitted that the petitioners should submit to the jurisdiction of the first respondent. It is further submitted that further eviction proceedings will only after appropriate orders are passed under Section 80(4) of the H.R. & C.E. Act, pursuant to the impugned notice dated 04.01.2018.

4. I have considered the arguments advanced by the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

5. The petitioners appear to be small vendors, who have small shops surrounding Arulmigu Siddhi Vinayagar Muthu Kumaresa Subramaniasamy Temple, Samayapuram, Manachanallur Taluk, Tiruchirappalli District. The apprehension expressed in the affidavit appears to be unwarranted, as only a notice has been issued to the petitioners under Section 80 (2) of the H.R. & C.E. Act. It is for the petitioners to file a proper reply before the first respondent instead of rushing to this Court directly.

6. Considering the above, I am inclined to dispose this Writ Petition by directing the first respondent to pass appropriate orders pursuant to the impugned show cause notice dated 04.01.2018, issued under Section 80(2) of the H.R. & C.E. Act, within a period of three months from the date of receipt of a copy of this order. It is made clear that the petitioners shall not be evicted without due process of law. It is also made clear that in case, there is a proposal to evict the petitioners, who are admittedly recognized as tenants surrounding the Temple, the first respondent may take steps to rehabilitate them surrounding the Temple, so that there is no loss to the livelihood of the petitioners. The petitioners are given liberty to file a representation, if any, before the first respondent within a period of 30 days from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Tiruchirappalli - 5.

2.The Block Development Officer,  
S.Kannanur Town Panchayat,  
Mannachannalur Taluk,  
Trichy District.

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate ( SR-12417[F] dated 16/03/2022 )

+1 CC to M/s.SPL GP ( SR-12444[F] dated 16/03/2022 )

Writ Petition (MD) No.12938 of 2018  
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SS/25.03.2022 : 3P/5C