



W.P. (MD) No. 28149 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

CORAM

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

W.P. (MD) No. 28149 of 2022

and

W.M.P. (MD) Nos. 22218 and 22219 of 2022

Vallinayagi

... Petitioner

Vs.

- 1.The Managing Trustee,
Arulmigu Kailasanathar Temple,
Kannanur, Thuraiyur,
Trichy District.
- 2.The Commissioner,
Hindu Religious and Charitable Department,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Department,
Perambur.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Department,
Perambalur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, to call for the records pertaining to the



W.P. (MD) No. 28149 of 2022

impugned order passed by the fourth respondent in Na.Ka.No.2815-1/2021/A5/ dated 05.12.2022 and quash the same as illegal and consequently direct the second respondent to dispose the Revision Petition filed by the Petitioner within a time frame fixed by this Court.

For Petitioner : Mr. K.Sivabalan

For Respondents : Mr. T.Villavankothai
Additional Government Pleader

ORDER

Heard Mr. K.Sivabalan, Learned Counsel for the Petitioner and Mr. T.Villavankothai, Learned Additional Government Pleader for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that she had preferred a Revision under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short), against the order of eviction dated 28.10.2022 in C.M.P. No. 30 of 2022 passed by the Fourth Respondent under Section 78 of the Act before the Second Respondent along



W.P. (MD) No. 28149 of 2022

with an application for stay of its operation pending its disposal, but without awaiting its outcome, the Fourth Respondent by proceedings in Na.Ka.No. 2815-1/2021/A5/ dated 05.12.2022 had called upon the Petitioner to vacate and hand over the possession of the property by 15.12.2022, which is challenged in this Writ Petition. The Petitioner has also sought for consequential direction to the Second Respondent to pass orders in the said Revision Petition.

3. Learned Additional Government Pleader appearing for the Respondents, on instructions, states that the Revision Petition filed by the Petitioner has been taken on file as Revision Petition No.539 of 2022 and posted for hearing on 04.01.2023 along with the stay petition, and that the Revision Petitions are taken up on seniority basis by the Second Respondent for final disposal.

4. In such circumstances, the Second Respondent shall endeavour to take up the Revision Petition on the said date and after due notice to the concerned parties and hearing them following the prescribed procedure, pass any order, interim or final, as may be deemed fit and proper in accordance with law, and the impugned order dated 05.12.2022 passed by the Fourth Respondent shall be kept in



W.P. (MD) No. 28149 of 2022

abeyance till then. It is expected that the concerned parties shall extend their fullest co-operation for expeditious disposal of the Revision Petition before the Second Respondent.

In fine, the Writ Petition is ordered on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

20.12.2022

Index : Yes/No
Internet : Yes /No
ta

Note: Issue order copy on 27.12.2022

To

- 1.The Managing Trustee,
Arulmigu Kailasanathar Temple,
Kannanur, Thuraiyur,
Trichy District.
- 2.The Commissioner,
Hindu Religious and Charitable Department,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Department,
Perambur.

4/6



W.P. (MD) No. 28149 of 2022

WEB COPY

4. The Assistant Commissioner,
Hindu Religious and Charitable Department,
Perambalur.



WEB COPY



W.P. (MD) No. 28149 of 2022

P.D. AUDIKESAVALU, J.

ta

W.P.(MD)No. 28149 of 2022

Dated : 20.12.2022