



WEB COPY



W.P.No.3252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3252 of 2023

S.Shanmugam

... Petitioner

Vs.

1.The Commissioner,
HR&CE Department,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
HR&CE Department,
Coimbatore Division,
Dr.Balasundaram Road,
Coimbatore – 18.

3.The Revenue Tahsildar,
Officer of the Revenue Tahsildar,
Perur.

4.Coimbatore Kengadiga Okkaligar Perur,
Madam and Thoppu Paribalana Sabhai,
Perur, Rep., by its President,
Coimbatore.

5.The Assistant Commissioner,
Coimbatore Division,
Dr.Balasundaram Road,
Coimbatore – 18.

... Respondents



W.P.No.3252 of 2023

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 24.01.2023 Ref.No.Na.Ka.205/2023/A7 issued by the 5th respondent and quash the same and consequently restraining the respondent authorities not to evict the petitioner from the agricultural lands in S.No.84/2, 84/3, 84/4 measuring Acre.09.50 cents in Perur Village, Perur Taluk, Coimbatore District till the disposal of the revision petition in R.P.No.161 of 2021/D2 pending on the file of the 1st respondent.

For Petitioner : Mr. A.V.Raja

For Respondents : Mr.N.R.R. Arun Natarajan, for RR1 & 2
Special Government Pleader (HR & CE)
Mr.K.M.D. Muhilan, for R3
Ms.Ilayarani Ponraj, for R4

ORDER

The Writ Petition has been filed challenging the eviction notice issued by the respondents mainly on the ground that the revision has been pending before the first respondent under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, as against the order passed by the Joint Commissioner.

2. When the matter was taken up in the morning, it was passed over. When it was taken up in the afternoon, it was represented that the petitioner is prepared to pay a sum of Rs.2.40 lakhs towards arrears and also produced a copy of



W.P.No.3252 of 2023

the demand draft. It is not known how the arrears amount has been arrived at while procuring the demand draft.

3. Be that as it may, as the revision is already pending in R.P.No.161/2021/D2, this Court is of the view that since the revision is also statutory remedy, provided under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, till the revision is disposed of, the respondents shall not proceed with the eviction. Accordingly, the Commissioner is directed to dispose of the R.P.No.161/2021/D2, within a period of two months. Thereafter, the respondents may proceed as per law, as per the outcome of the orders to be passed by the Commissioner. Thus, till the revision is finally disposed by the Commissioner, no eviction proceedings shall be initiated and the petitioner is also directed to deposit the remaining amount to the authorities. Accordingly, the Writ Petition is disposed of. No costs.

03.02.2023

Index :Yes/No
Speaking Order / Non-Speaking Order

AT



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