



WEB COPY



W.P.No.20909 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20909 of 2018

and

W.M.P.Nos.24550 & 20551 of 2018

1.K.Chandragandhi

2.N.E.Vijaya Adhitthan

3.Govindaraj

... Petitioners

Vs.

1.The Commissioner,
Land Reform & Survey Planning,
III Floor, Chepauk, Chennai – 5.

2.Deputy Commissioner,
Hindu Religious & Charitable Endowment Board,
Tirupur District.

3.The Executive Officer,
Hindu Religious & Charitable Endowment Board,
Arulmigu Sendra Perumal Thirukovil,
Periakumarapalayam, Dharapuram Taluk,
Tirupur District,
(Office Arulmigu Kadu Anumandarayasamy
Thirukovil, Dharapuram)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 25.06.2018 of the 3rd respondent and the records relating to the impugned order of the 1st respondent made in Na.Ka.No.21/6207/2018, dated 06.04.2018 and quash the same and direct the 1st respondent to cancel Patta granted to the 2nd respondent and to grant Patta to the petitioners for an extent of 5.75 Acres of Land comprised in Survey No.427/1 in Periakumarapalayam Village, Dharapuram Taluk, Tirupur District.

For petitioners	: Mr.C.Parthiban
For Respondents	:
(For R1)	: Mr.T.Arunkumar, Additional Government Pleader.
(For R2)	: Mr.K.Karthikeyan, Government Advocate (HR & CE)
(For R3)	: Mr.K.Rajendra Prasad

ORDER

The notice issued by the Executive Officer/3rd respondent in proceedings dated 25.06.2018 under Section 78 of the Hindu Religious & Charitable Endowment Act is under challenge in the present writ petition.



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2. The petitioners are construed as encroachers of the temple property and thus, the 3rd respondent/Executive Officer initiated action for eviction of the encroachers under the provisions of the H.R. & C.E. Act. Accordingly, a notice was issued to the petitioners.

3. The petitioners are at liberty to submit their objections, if any, and to defend their case in the manner known to law. Contrarily, this Court cannot adjudicate the facts and the merits involved at the initial stage of issuance of notice by the competent authorities. Any finding relating to the merits of the case would cause prejudice to the parties and therefore, the petitioners have to participate in the proceedings initiated under Section 78 and 79 of the H.R. & C.E. Act. Since the notice was issued in the year 2018, the respondents are directed to expedite the enquiry.

4. The learned counsel for the 3rd respondent brought to the notice of this Court that the appeal filed by the petitioners before the Commissioner of Land Reforms and Survey was already dismissed. That being the factum, respondents 2 and 3 are directed to complete the enquiry by affording opportunity to the writ petitioners and by following the procedures as



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contemplated under the H.R. & C.E. Act and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

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5. With these directions, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes
veda/sha

To

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- 3.The Executive Officer,
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