



WEB COPY



W.P.No.27872 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27872 of 2016
and
W.M.P.Nos.24094 & 24129 of 2016

D.Madhavan

...Petitioner

Vs.

1.Arulmigu Lakshmi Narayana Perumal Thirukoil,
Chinna Reddiyar Village,
Arumbakkam Post,
(Via) Latheri,
Katpadi Taluk,
Vellore District,
Rep.by its fit person,
(Thakkar) / (Inspector)

2.The Assistant Commissioner,
O/o.Assistant Commissioner,
Hindu Religious Endowment Board,
Sathuvachari,
Vellore – 632 609
Vellore District.

3.The Commissioner,
O/o.The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam High Road,
Chennai – 600 034.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records made in the impugned notice dated 27.06.2016 passed by the Thakkar/ Inspector of the 1st respondent and Quash the same and further direct the 1st and 2nd Respondents to restore Possession of the property situate in Survey No.417/2, Latheri Village, Katpadi Taluk, Vellore District.

For Petitioner	: Mr.M.Devaraj
For R1	: No appearance
For R2 & R3	: Mr.S.Yashwanth Additional Government Pleader (For HR & CE)

ORDER

The notice issued by the 1st respondent in proceedings dated 27.06.2016 is under challenge in the present writ petition.

2. The impugned notice states that the petitioner has to vacate the encroached temple property within a period of 15 days from the date of receipt of the impugned notice, failing which, the competent authorities will initiate appropriate proceedings under Sections 78 and 79 of the Hindu Religious and Charitable Endowments Act, 1959 (in short, 'HR & CE Act').



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3. The learned Additional Government Pleader appearing on behalf of the respondents 2 and 3 made a submission that the authorities had already taken possession of the temple property and therefore, the writ petition is to be rejected.

4. The learned counsel for the petitioner states that the competent authorities have taken possession of the temple property and also the property belonging to the petitioner.

5. If at all the petitioner claims any ownership or title in respect of the portion of the property or otherwise, the petitioner has to establish his title by approaching the competent Civil Court of Law. High Court cannot adjudicate the issues with reference to the title or ownership of the immovable property, which is to be done with reference to the documents and evidences on record.

6. Beyond the above submissions, the impugned notice states that the petitioner has to vacate the premises, failing which, action will be initiated.

Such a notice, providing an opportunity to the writ petitioner, to establish



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his case cannot be challenged in the present writ petition and more so, the possession has already been taken by the authorities concerned in respect of the temple properties.

7. This being the factum, no further consideration is required in the present writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1.The Fit Person,
(Thakkar) / (Inspector)
Arulmigu Lakshmi Narayana Perumal Thirukoil,
Chinna Reddiyar Village,
Arumbakkam Post,
(Via) Latheri,
Katpadi Taluk,
Vellore District,

2.The Assistant Commissioner,
O/o.Assistant Commissioner,
Hindu Religious Endowment Board,
Sathuvachari, Vellore – 632 609, Vellore District.



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3. The Commissioner,
O/o. The Commissioner,
Hindu Religious Endowment Board,
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S.M.SUBRAMANIAM, J.

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