



W.P.No.15339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15339 of 2023
and WMP No.14864 of 2023

C.Asaithambi

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Petitioner

-Vs-

1.The Commissioner
Hindu Religious and Charitable
Endowments
119, Uthamar Gandhi Road
Nungambakkam
Chennai 600 034.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowments
127, Yadava Street
Gopal Nagar, Padi
Chennai-600 050.

3.The Executive Officer
Hindu Religious and Charitable Endowment
Arulmigu Ekambarareswarar Thirukoil
Aminjikai, Chennai-600 029.

4.Mrs.M.Shanthi

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Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned notice of the 3rd respondent dated 11.04.2023 and quash the same.



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For Petitioner Mr.B.Kannan

For Respondents Mr.N.Arun Natarajan
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned notice issued by the 3rd respondent dated 11.04.2023, directing the petitioner to vacate and hand over the subject property to the Temple, failing which, proceedings will be initiated u/s.78 and 79 of the HR & CE Act (hereinafter referred as 'the Act').

2.Heard Mr.B.Kannan, learned counsel for the petitioner and Mr.N.Arun Natarajan, learned Special Government Pleader for R1 to R3.

3.The learned counsel for the petitioner submitted that the petitioner has been running the business in the subject property for a long period of time. That apart, the petitioner is also claiming an independent right over the subject property. Therefore, according to the learned counsel for the petitioner, the impugned notice issued by the 3rd respondent suffers from illegality. The learned counsel concluded his arguments by submitting that the notice itself came to be issued when the petitioner sought for no objection certificate in order to deal with the property.



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4. In the considered view of this Court, the 3rd respondent has merely informed the petitioner that if the petitioner does not vacate and handover the possession of the property, proceedings will be initiated under the Act for eviction. As and when any such proceedings are initiated, it is always left open to the petitioner to put forth his case along with all the relevant documents and the same will be considered by the concerned authority. The right of the petitioner cannot be decided in this writ petition and the petitioner has to necessarily wait for the appropriate proceedings which are yet to be initiated. The learned counsel for the petitioner submitted that the officers belonging to the department are disturbing the petitioner from carrying on his business. The 3rd respondent has categorically stated in the notice that if the petitioner does not vacate and handover the premises within 15 days, proceedings will be initiated u/s. 78 and 79 of the Act. Under such circumstances, there is no question of evicting the petitioner till a final order is passed by the Joint Commissioner after initiating eviction proceedings.

5. In the light of the above discussion, this Court does not find any ground to interfere with the impugned notice issued by the 3rd respondent and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2023

KP

Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No



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N.ANAND VENKATESH, J.
KP

To

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