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Writ Petition Nos.16343 & 16344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.16343 & 16344 of 2023
and WMP Nos.15719 &15720 of 2023

S.Gopal

...Petitioner
in W.P.No.16343 of 2023

S.Ponnusami

...Petitioner
in W.P.No.16344 of 2023

Vs

The Joint Commissioner,
Office of the Joint Commissioner,
H.R. & C.E. Admin Department,
Salem-1.

...Respondents
in both W.Ps

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records made in the proceeding of the 1st respondent in Show Cause Notice:12347/2022 & Show Cause Notice:12343/2022 respectively, under section 78 (2) of H.R. & C.E. Act, dated 08.03.2023 and quash the same.

In Both W.Ps

For Petitioners : Mr.Lenin Balu

For Respondent : Mrs.K.Karthikeyan
Government Advocate



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ORDER

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The subject matter of challenge in these writ petitions pertains to the notice issued by the respondent under Section 78 (2) of the Hindu Religious and Charitable Endowment Act, 1959.

2.Heard Mr.Lenin Balu, learned counsel appearing on behalf of the petitioners and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents.

3.In the considered view of this Court, the grounds that have been raised by the learned counsel for the petitioners, should be raised before the respondent and the petitioners will have to establish their independent right over the subject property. However, it is brought to the notice of this Court that the petitioners had appeared before the respondent on 12.06.2023 and had agreed to pay the rents regularly.

4.This Court is not inclined to get into any issue for the present and as and when any proceedings are continued against the petitioners, it is left open to the petitioners to take all the grounds and the same will be considered on its



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own merits and in accordance with law. Except, giving this clarity, no further orders can be passed in this writ petition.

5.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

30.06.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
ssr

To

The Joint Commissioner,
Office of the Joint Commissioner,
H.R. & C.E. Admin Department,
Salem-1.



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N.ANAND VENKATESH., J

SSR

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