



WEB COPY



W.P.Nos.7815 to 7820 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P Nos.7815 to 7820 of 2014

1.L.M.Ashraf Ali
2.Jamal Ayisha Begum ...Petitioners in W.P.No.7815 of 2014

1.S.P.Ramachandaran
2.P.P.Balamurugan ...Petitioners in W.P.No.7816 of 2014

L.A.Abdullah ... Petitioner in W.P.No.7817 of 2014

K.V.Ganesha Pillai ... Petitioner in W.P.No.7818 of 2014

SLO Industries Limited
Represented by its Managing Director,
Anil Kumar Ojha
Residing at Flat No. 2A
“Prathamesh Apartment
No.5/2, Lakshmi Street,
Kilpauk, Chennai – 600 010. ... Petitioner in W.P.No.7819 of 2014

K.Chithra ... Petitioner in W.P.No.7820 of 2014

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakam High Road,
Chennai – 600 034.



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2.Arulmighu Ekambareswarar Thirukoil
having its office at the temple premises,
Aminjikarai, Chennai – 600 029.

...Respondents in all W.P.'s

Prayer in W.P.No.7815 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14755/2013/E1, dated 31.01.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No . 265, New No 447, Poonamalle High Road, Aminjikarai, Chennai – 600 029.

Prayer in W.P.No.7816 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14748/2013/E1, dated 31.01.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No. 259, New No 435, Poonamalle High Road, Aminjikarai, Chennai – 600 029.

Prayer in W.P.No.7817 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14751/2013/E1, dated 31.01.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No. 231, New No 365,



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Poonamalle High Road, Aminjikarai, Chennai – 600 029.

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Prayer in W.P.No.7818 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14745/2013/E1, dated 12.02.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No. 260, New No 435, Poonamalle High Road, Aminjikarai, Chennai – 600 029.

Prayer in W.P.No.7819 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14755/2013/E1, dated 31.01.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No. 265, New No 447, Poonamalle High Road, Aminjikarai, Chennai – 600 029.

Prayer in W.P.No.7820 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the first respondent bearing Na.Ka. No.14755/2013/E1, dated 31.01.2014 and quash the same and consequently forbearing the Respondents from interfering with the peaceful possession of the petitioners property, situated at Ground, First and Third floor at Old No. 264, New No 445, Poonamalle High Road, Aminjikarai, Chennai – 600 029.



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For Petitioners : Mr.A.Jenasenan

[in all W.P.'s]

For Respondent 1 : Mr.K.Karthikeyan
[in all W.P.'s] Government Advocate

For Respondent 2 : Mr.S.D.Ramalingam
[in all W.P.'s]

COMMON ORDER

All these writ petitions are filed challenging the show cause notice issued to the petitioners as to why action shall not be initiated under Section 78(4) of the Hindu Religious and Charitable Endowments Act, 1959 for their eviction.

2.The learned counsel for the petitioners by taking this Court to the orders passed in W.P.Nos.295 to 299 of 1964 and W.A.Nos.155 to 159 of 1967 submitted that the temple's title over the property in S.No.70/5 had been already negatived in the earlier proceedings and therefore, the first respondent ought not to have issued this notice treating the petitioners as encroachers.

3.The impugned order is only a show cause notice to enable the petitioners to submit their objections. It is for the petitioners to appear before the first respondent and file all the documents in support of their right over the



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property in their occupation and convince the first respondent that the petitioners are not encroachers. Therefore, this Court is not inclined to going to the question whether the petitioners are encroachers in the land belongs to the second respondent Temple. The said question has to be decided by the first respondent after considering all the documents submitted by the petitioners in support of their claim.

4.With these observations, these writ petitions are disposed of by directing the petitioners to appear before the first respondent and submit their objections along with all the documents within a period of two (2) weeks from the date of receipt of a copy of this order. The objections filed by the petitioners shall be considered and final orders shall be passed by the first respondent within a period of twelve (12) weeks from the date of submission of objections.

No costs.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.



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To
The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakam High Road,
Chennai – 600 034.

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