



W.P.No.19535 of 2023 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**W.P.Nos.19535, 19538, 19540, 19543, 19544,
19545, 19549 and 19613 of 2023**

and

**W.M.P.Nos.18797,18798, 18800, 18803, 18805, 18807,
18808, 18809, 18810, 18814, 18815, 18818, 18811,
18812, 18813, 18816, 18817, 18819, 18821, 18823,
18824,18869, 18870 and 18871 of 2023**

W.P.No.19535 of 2023:

Jafarullah Khan

... Petitioner

VS.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.



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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nagapattinam District.

4.The Executive Officer,
Arulmigu Vedaranyeswaraswamy Temple,
Vedharanyam Taluk,
Nagapattinam District.

... Respondents

PRAYER: Writ Petitions are filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, (a) to call for the records of the Impugned Eviction Notice vide Na.Ka.No.1588/2023/E1 dated 12.06.2023 issued by the 3rd respondent and quash the same as illegal, arbitrary and non est in law and (b) forbearing the Respondents particularly the 2nd to 4th respondents from evicting the Petitioner in Survey No.898/2 to an extent of 94.2/3 cents, S.No.895/2 to an extent of 66 2/3 cents S.No.67/1 to an extent of an 36.2/3 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District till the disposal of R.P.No.476/2022 pending before the 1st respondent.

For Petitioner : Mr.G.Mohammed Aseef
(in all WPs)

For R1 to R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)
(in all WPs)

For R4 : Mr.R.Bharanidharan
Standing Counsel for HR & CE
(in all WPs)



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ORDER

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These writ petitions are filed by the petitioners challenging the order passed by the 3rd respondent seeking to enforce the order of eviction passed by the 2nd respondent.

2. It is the case of the petitioners that they have filed Revision Petitions challenging the eviction order passed by the 2nd respondent under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in R.P.Nos.476, 469, 473, 471, 468, 475, 470, 472/2022 on the file of the 1st respondent. It is also stated by the petitioners that they filed petitions seeking stay of the eviction order passed against them and the same has not been taken up for consideration by the 1st respondent.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR and CE) takes notice for the respondents 1 to 3 and Mr.R.Bharanidharan, learned Standing Counsel for HR and CE takes notice for the 4th respondent.



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4. The learned Special Government Pleader (HR and CE) appearing for the respondents 1 to 3, on instructions, submits that at the time of passing eviction order, the 2nd respondent also quantified the amount payable by the petitioners towards use and occupation and the same has not been paid.

5. The learned counsel for the petitioners submits that the petitioners are accepting the title of the 4th respondent/Temple and they are ready to use the land as tenants under the 4th respondent/Temple. The petitioners also filed affidavits to that effect and the same are recorded. The writ petitioners seek quashment of the order passed by the 3rd respondent for enforcement of the eviction and also for injunction restraining the respondents 2 to 4 from evicting the petitioners pending disposal of the revision petitions filed by them before the 1st respondent.

6. When the petitioners already moved stay petitions before the 1st respondent, it is for them to workout their remedy before the 1st respondent by pressing for interim order. The grievance of the petitioners



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is that the stay petitions filed by them are not taken up for consideration by the 1st respondent.

7. In view of the same, this Court is inclined to issued a direction to the 1st respondent to take up the stay petitions filed by the petitioners in their revision petitions mentioned above for consideration and pass appropriate orders in the stay petitions on merits, within a period of two weeks from the date of receipt of copy of this order.

8. In view of the apprehension expressed by the petitioners that the respondents 2 to 4 would try to evict the petitioners even before the consideration of the stay petitions filed by them by the 1st respondent, there shall be an order of stay of eviction order passed by the 2nd respondent till stay petitions referred above are disposed by the 1st respondent on merits. However, in order to show *bona fide* of the petitioners, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the account of 4th respondent and produce the receipt before the 1st respondent on or before 14.07.2023. In case, the petitioners failed to pay the amount as directed, the interim protection granted by this Court will



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stand automatically vacated.

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9. With the above directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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(1/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

Note: Issue order copy on 10.07.2023.



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To

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S.SOUNTHAR, J.

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