



W.P.No.19539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19539 of 2023

and

W.M.P.Nos.18802, 18804 and 18806 of 2023

S.Basheer Ahamed

... 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.

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



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PRAYER: Writ Petition is 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.896/1 and 2 to an extent of 1 acre 95 cents, Vadakattalai, Chinnagkadu, Vedaranyam Town, Nagapattinam District till the disposal of R.P.No.350/2023 and R.P.No.351/2023 pending before the 1st respondent.

For Petitioner : Mr.G.Mohammed Aseef

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

For R4 : Mr.R.Bharanidharan
Standing Counsel for HR & CE

ORDER

This writ petition is filed by the petitioner challenging the order passed by the 3rd respondent seeking to enforce the order of eviction passed by the 2nd respondent.



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2. It is the case of the petitioner that he has 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.350 and 351/2023 on the file of the 1st respondent. It is also stated by the petitioner that he filed petitions seeking stay of the eviction order passed against him and the same has not 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.

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 petitioner towards use and occupation and the same has been paid by the petitioner.



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5. The learned counsel for the petitioner submits that the petitioner is accepting the title of the 4th respondent/Temple and he is ready to use the land as tenant under the 4th respondent/Temple. The petitioner also filed affidavit to that effect and the same is recorded. The writ petitioner seeks 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 petitioner pending disposal of the revision petitions filed by him before the 1st respondent.

6. When the petitioner already moved stay petitions before the 1st respondent, it is for him to workout his remedy before the 1st respondent by pressing for interim order. The grievance of the petitioner is that the stay petitions filed by him 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 petitioner in his revision petitions mentioned above for consideration and pass appropriate orders in the stay petitions on merits, within a period of two weeks from the



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date of receipt of copy of this order.

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8. In view of the apprehension expressed by the petitioner that the respondents 2 to 4 would try to evict the petitioner even before the consideration of the stay petitions filed by him 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.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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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.

dm

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Chennai-34.
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