



WEB COPY



W.P.Nos.26831, 26833, 26834, 26836, 26837,
26840 to 26844 & 26846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.Nos.26831, 26833, 26834, 26836, 26837,
26840 to 26844 & 26846 of 2023

and

W.M.P.Nos.26254, 26256, 26255, 26257, 26258,
26259, 26261, 26262, 26263, 26264 & 26265 of 2023

1.S.Rajenthiran

2.R.Senthil

3.P.Govintharaj

4.V.Raja

5.P.Rathinavel

6.C.Ganapathi

7.C.Mariyappan

8.V.Mathaiyan

9.G.Mallika

10.M.Mayandi

11.C.Chinnakunji

...Petitioner in W.P.No.26831

...Petitioner in W.P.No.26833

...Petitioner in W.P.No.26834

...Petitioner in W.P.No.26836

...Petitioner in W.P.No.26837

...Petitioner in W.P.No.26840

...Petitioner in W.P.No.26841

...Petitioner in W.P.No.26842

...Petitioner in W.P.No.26843

...Petitioner in W.P.No.26844

...Petitioner in W.P.No.26846

Vs.

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

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



W.P.Nos.26831, 26833, 26834, 26836, 26837,
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Prayer in W.P.No.26831 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12346/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 08/03/2023 and quash the same.

Prayer in W.P.No.26833 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12342/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

Prayer in W.P.No.26834 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12341/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

Prayer in W.P.No.26836 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12345/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 08/03/2023 and quash the same.



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Prayer in W.P.No.26837 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12340/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

Prayer in W.P.No.26840 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show cause Notice:12336/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

Prayer in W.P.No.26841 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12338/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

Prayer in W.P.No.26842 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12351/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.



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Prayer in W.P.No.26843 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12350/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 08/03/2023 and quash the same.

Prayer in W.P.No.26844 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12349/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 08/03/2023 and quash the same.

Prayer in W.P.No.26846 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records made in the proceedings of the respondent in Show Cause Notice:12337/2022/u/s.78(2) of H.R. & C.E. Act. / Dated: 10/05/2023 and quash the same.

For Petitioners : Mr.Lenin Balu
(in all W.P.'s)

For Respondent : Mr.K.Karthikeyan
(in both W.P.'s) Government Pleader (HR &CE)



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COMMON ORDER

These writ petitions are filed by the petitioners challenging the Show Cause Notice issued by the respondent in eviction proceedings initiated under Section 78 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.The learned counsel appearing for the petitioners submits that the petitioners are cultivating tenants of the property in question. Therefore, they are entitled to statutory protection from eviction. The proceedings initiated by the 1st respondent goes against the statutory right of the petitioners.

3.Mr.K.Karthikeyan, learned Government Advocate who takes notice for the respondent in all the writ petitions on instructions, submits that the petitioners cannot challenge the Show Cause Notice, if they got any objections with regard to the initiation of proceedings for eviction, they have to appear before the respondent and show cause against the eviction proceedings.



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4.The learned counsel for the petitioners also submits that in response to the Show Cause Notice, the petitioners appeared before the respondent and made a statement that they would pay the rent as fixed by the respondent and continue as cultivating tenants of the property.

5.The petitioners are not entitled to challenge the issue of Show Cause Notice for initiation of proceedings under Section 78 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. If the petitioners have got any statutory right, it is for them to appear before the respondent and substantiate their right by filing necessary documents. Therefore, the petitioners are directed to appear before the respondent and substantiate their alleged right of cultivating tenancy in respect of the property in question. As far as the claim made by the petitioners that they are ready to pay the fair rent to be fixed by the respondent, the said request of the petitioners can also be considered by the respondent on merits and in accordance with law.



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6. With these observations, the writ petitions stand disposed of. No costs.

Consequently connected miscellaneous petitions are closed.

13.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti/mac

To

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



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S.SOUNTHAR, J.

nti/mac

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