



WEB COPY



W.P.No.24304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24304 of 2023

and

W.M.P.No.23757 of 2023

K.Rajan

...Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment Department,
119 Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner No.II

Hindu Religious and Charitable Endowment Department,
No.130, R.K.Mutt Road,
Mylapore, Chennai 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration, declaring that the Order passed in respect of limited respondents i.e. 1, 24 to 28 as per the order dated 03-08-2023 in



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M.P.No.134 of 2018/அ 3, dated 20-12-2018 is null and void and the time for eviction granted as 15 days is against the HR&CE Act Section 79(2) and grant time until the statutory period extended by the Act.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.N.RR.Arun Natarajan
Special Government Advocate
(HR and CE)

ORDER

The petitioner herein has filed this Writ Petition challenging the order passed by the second respondent under Section 78 of the Hindu Religious and Endowments Act, ordering eviction of the petitioner.

2. The learned counsel for the petitioner submitted that in the impugned order, the second respondent granted 15 days time to vacate and hand over the possession. As per Section 79 (2) of the Hindu Religious and Endowments Act, he has got right to file a suit within six months period and even before the expiry of that period he has been directed to hand over the possession.



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3. It is also stated by the learned counsel for the petitioner that challenging the impugned order, the petitioner has already filed a revision before the first respondent on 10.08.2023 along with prayer for stay of operation of the impugned order.

4. In view of the fact that the petitioner has remedy before the first respondent, this Court is not inclined to entertain the Writ Petition. However, the first respondent is directed to number the stay application filed by the petitioner as expeditiously as possible.

5. At this juncture, the learned Special Government Pleader appearing for the respondents, on instructions, submitted that the revision filed by the petitioner has been returned for certain defects.

6. In view of the said submission, the petitioner is directed to re-present the revision papers together with the stay petition within a period of one week from the date of receipt of copy of this order. On such re-presentation the first respondent is directed to number the revision as well



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as the stay petition and consider the stay petition on its own merits and dispose of the same within a period of two weeks from the date of numbering of the stay application. Till the final order is passed by the first respondent in the stay application filed by the petitioner, the possession of the petitioner shall not be disturbed.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17.08.2023

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



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To

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S.SOUNTHAR, J.
dna

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