



W.P.No.24725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24725 of 2023
and W.M.P.Nos.24162 and 24164 of 2023

S.Chinnaiyan

... Petitioner

VS.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department
No.119 Uthamar Gandhi Salai,
Nungambakam,
Chennai 600 034.

2.The Joint Commissioner,
Joint Commissioner Zone-II,
H.R. & C.E Department,
No.130, R.K Mutt Road,
Mylapore,
Chennai-4.

3.The Assistant Commissioner,
H.R & C.E Department,
Chennai-34.

4.Fit Person/Executive Officer,
Arulmigu Loga Vinayagar Temple,
Maduvinkarai, Guindy,
Chennai-32.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the order dated 03.08.2023 made in M.P.No.134/2018/A3-1 on the file of the 2nd respondent against the respondents 1, 24 to 28 therein and the time granted as 15 days contrary to Section 79 (2) of the H.R and C.E Act, as null and void.

For Petitioner : Mr.S.Thangavel

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

ORDER

The writ petition is filed challenging the order of eviction passed by the 2nd respondent under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. The learned counsel for the petitioner submitted that in the impugned order, the 2nd respondent has given 15 days time for the petitioner to hand over possession and the 3rd respondent was also directed to enforce the order, if possession is not handed over by the petitioner within 15 days. The learned counsel further submitted that the petitioner has got 90 days time under the provisions of Tamil Nadu Hindu Religious and Charitable



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Endowments Act, 1959 for filing revision challenging the impugned order before the 1st respondent. Therefore, the time limit prescribed by the 2nd respondent as 15 days for handing over the possession is not correct. The learned counsel also submitted that he also preferred a revision petition along with stay petition and the same has not been considered, so far. In the meantime, if the 3rd respondent is permitted to enforce the order of eviction, the petitioner would be put to irreparable loss and hardship.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR and CE) takes notice for the respondents and submitted that the revision petition filed by the petitioner is not in order and the same has been returned.

4. In view of the said submission made by the learned Special Government Pleader (HR and CE) appearing for the respondents, the petitioner is directed to represent the revision papers along with stay petition before the 1st respondent within a period of one week from the date of receipt of copy of this order. The 1st respondent is directed to consider the said stay petition on merits and pass final orders in the stay petition within a



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period of two weeks thereafter. Till the stay petition filed by the petitioner is considered and orders are passed by the 1st respondent, the possession of the petitioner shall not be disturbed.

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

21.08.2023

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



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To

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S.SOUNTHAR, J.

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