



WEB COPY



W.P.No.27112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27112 of 2023

and W.M.P.Nos.26557, 26558 & 26559 of 2023

1.Sekar
2.G.Pushpalatha

...Petitioners

Vs.

1.Arulmigu Raveeswarar Thirukoil,
Represented by its Executive Officer,
Vyasarpadi, Chennai-600 039.

2.Assistant Commissioner,
HR & CE, Chennai-600 050.

3.Joint Commissioner,
HR & CE, Chennai-600 050.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in the proceedings of the 3rd respondent under Reference M.P.No.268/2018/E1 dated 30.03.2023 and quash the same consequently direct the respondents to restore the petitioners' possession over their property.



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For Petitioners : Mr.B.R.Jayaprakash Narayanan
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 against the petitioners in proceedings initiated under Section 78 of HR & CE Act, 1959, by the 3rd respondent.

2. Against the order passed by the Joint Commissioner, the petitioners are entitled to file a Revision under Section 21 of HR & CE Act, 1959. Further, under Section 79(2) of HR & CE Act, 1959, the petitioners are also entitled to file a Civil Suit denying the title of the Temple. Therefore, the petitioners have got effective alternative remedies.

3.A reading of impugned order would suggest that though the petitioners filed a counter in the impugned proceedings at the time of enquiry, they failed to appear before the 3rd respondent and lead any evidence. Therefore, this Court is not inclined to entertain this writ petition and the same is dismissed with liberty to the petitioners to challenge the impugned order



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either by filing the Revision before the 1st respondent or by filing the Civil Suit under Section 79(2) of HR & CE Act, 1959. No costs. Consequently, connected miscellaneous petitions are closed.

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

To

1. The Executive Officer,
Arulmigu Raveeswarar Thirukoil,
Vyasarpadi, Chennai-600039.
2. The Assistant Commissioner,
HR & CE, Chennai-600050.
3. The Joint Commissioner,
HR & CE, Chennai-600050.



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S.SOUNTHAR, J.

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