



W.P. (MD) No. 2090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

WEB COPY

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 2090 of 2023

and

W.M.P. (MD) No. 1868 of 2023

P.Natarajan

... Petitioner

Vs.

1.The Commissioner,
Hindus Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai – 600 034.

2.The Assistant Commissioner,
Hindus Religious and Charitable Endowments,
H 306, TNHB Colony, Ellis Nagar,
Madurai.

3.The Inspector of Police,
C4 Thilagar Thidal Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,
to issue a Writ of Certiorarified Mandamus to call for the records pertaining



W.P. (MD) No. 2090 of 2023

to the impugned order in Na.Ka.No. 3154/2018-1.A1 dated 20.01.2023 on the file of the respondent no.2, and quash the same as illegal and consequently for a direction, directing the respondents not to disturb the possession of the petitioner till the disposal of the civil suit in os no 829 or within the time frame stipulated by this court.

For Petitioner : Ms. B.Bhuvaneshvari
For Respondents : Mr. T.Villavankothai (R1 & R2)
Additional Government Pleader
Ms. M.Aasha (R3)
Government Advocate

ORDER

Heard Ms. B.Bhuvaneshvari, Learned Counsel for the Petitioner, Mr. T.Villavankothai, Learned Additional Government Pleader for the First and Second Respondents and Ms. M.Aasha, Learned Government Advocate appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the notice given under Section 79(1) of the Hindu Religious and Charitable Endowments Act, 1959, (hereinafter



W.P. (MD) No. 2090 of 2023

referred to as the “Act” for short) for taking possession of the property in furtherance to the eviction order passed under Section 78 of the Act.

3. Learned Additional Government Pleader appearing for the First and Second Respondents, has produced the copy of the order dated 27.05.2019 passed in M.P. No. 177 of 2018 passed under Section 78 of the Act by the Second Respondent, which was sent to the Petitioner to his address at 10-H, Raja Mill Road, Madurai, but it was returned with postal endorsement 'no such addressee', which is produced. It has also been brought to notice for enquiry in the proceedings under Section 78 of the Act, in M. P. No. 177 / 2018 / E1, dated 19.12.2018 was delivered to the Petitioner at the same address on 04.01.2019, for which copy of the postal acknowledgment is available.

4. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to challenge the said order passed under Section 78 of the Act before proper forum in the manner recognized by law and she has made an endorsement to that effect in the court record.



W.P. (MD) No. 2090 of 2023

WEB COPY

In view of the same, the Writ Petition is dismissed as withdrawn, with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.02.2023

Index : Yes/No
Internet : Yes/No
SM

Note: Issue Order Copy on 03.03.2023.



W.P. (MD) No. 2090 of 2023

TO:

WEB COPY

1. The Commissioner,
Hindus Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai – 600 034.
2. The Assistant Commissioner,
Hindus Religious and Charitable Endowments,
H 306, TNHB Colony, Ellis Nagar,
Madurai.
3. The Inspector of Police,
C4 Thilagar Thidal Police Station,
Madurai.



WEB COPY



W.P. (MD) No. 2090 of 2023

P.D.AUDIKEVALU,J.

Sm

W.P. (MD) No. 2090 of 2023

03.02.2023