



W.P.(MD)No.11458 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.11458 of 2023

and

W.M.P.(MD) No.9946 of 2023

S.Arumugam

.. Petitioner

Vs

1.The Joint Commissioner,
HR & CE Department,
Tirupur-4.

2.The Assistant Commissioner,
HR & CE Department,
Karur.

3.The Executive Officer,
Arul Migu Sri Chellandiyamman Temple,
Renganathapuram,
Krishna Rayapuram Taluk,
Karur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating impugned caution notice dated 24.04.2023 passed by the 3rd respondent and quash the same and consequentially direct the 1st and



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2nd respondents to consider the petitioner's representation dated 09.02.2023 requesting to fixation of fair rent.

For Petitioner : Mr.B.Vijay Karthikeyan

For Respondents : Mr.M.Senthil Andavar
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. By the impugned communication, the third respondent has only called upon the petitioner to remove the offending structure. It makes it clear that in the event of the petitioner not complying with the direction, action will be taken as per law. This communication does not in any way infringe the rights of the petitioner. The third respondent cannot throw out the petitioner or do anything on his own. He has to necessarily move the competent authority under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. The petitioner can putforth his defences as and when such action is initiated. It is brought to the notice of this Court that the petitioner has given a representation for recognising



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his possession. It is open to the authority to take a call in the matter.

However, there is no need to interfere with the impugned communication at this stage. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.05.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

abr

To

- 1.The Joint Commissioner,
HR & CE Department,
Tirupur-4.
- 2.The Assistant Commissioner,
HR & CE Department,
Karur.
- 3.The Executive Officer,
Arul Migu Sri Chellandiyamman Temple,
Renganathapuram,
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G.R.SWAMINATHAN, J.

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