



W.P.(MD) Nos.13968 to 13971 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.13968 to 13971 of 2023

and

W.M.P(MD) Nos.11789, 11792, 11791 and 11804 of 2023

- | | |
|-------------------|--|
| 1.Vairamuth | ... Petitioner in W.P(MD) No.13968 of 2023 |
| 2.Sikkandar Salim | ... Petitioner in W.P(MD) No.13969 of 2023 |
| 3.Sermathai | ... Petitioner in W.P(MD) No.13970 of 2023 |
| 4.Seethalakshmi | ... Petitioner in W.P(MD) No.13971 of 2023 |

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.19, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.



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3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Virudhunagar Division,
Virudhunagar District.

4. The Executive Officer,
A/m.Thathankulam Vinayagar Temple,
Aruppukkottai,
Virudhunagar District.

... Respondents
(in all writ petitions)

Common Prayer :- Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the fourth respondent under Section 78(1) and 78(2) dated 17.03.2023 and to quash the same as illegal and consequently directing the respondents not to interfere with the peaceful possession and business of the petitioners in Shop Nos.176, 176-A, 170, 169, 174, 174(1), 175 and 175(1)(2)(3)(4)(5)&(6) in T.S.No.271, Block 9 Ward D, Old S.No.123, New S.No. 167/1149, Aruppukkottai Town, Virudhunagar District.

For Petitioners : Mr.S.Madhavan

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
(in all writ petitions)



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COMMON ORDER

This writ petitions have been filed for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the fourth respondent under Section 78(1) and 78(2) dated 17.03.2023 and to quash the same as illegal and consequently directing the respondents not to interfere with the peaceful possession and business of the petitioners in Shop Nos.176, 176-A, 170, 169, 174, 174(1), 175 and 175(1)(2)(3)(4)(5)&(6) in T.S.No.271, Block 9 Ward D, Old S.No.123, New S.No.167/1149, Aruppukkottai Town, Virudhunagar District.

2. The notice impugned in these writ petitions was the subject matter of W.P(MD) No.10841 of 2023. This Court by order dated 28.04.2023 was pleased to allow the writ petition and proceeding initiated under the impugned order, dated 17.03.2023, was quashed. The Court had held that despite dismissal of the civil suit in O.S.No.9 of 2001 filed by the Temple on the file of the Sub Court, Arupukottai, for declaration and recovery of possession, which is now the subject matter



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of A.S.No.4 of 2015 on the file of the learned Additional District Judge, Virudhunagar, this impugned notice has been issued. The Court had further observed that the conduct of the respondent in issuing proceedings, is flagrant attempt to overreach the judgment of the civil Court.

3. Considering the fact that the very same notice has been quashed in the earlier proceedings, the above writ petitions are also allowed and the impugned notice, dated 17.03.2023, is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.19, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai-600 034.



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2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Virudhunagar Division,
Virudhunagar District.



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P.T.ASHA, J.

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Dated: 14.06.2023