



WP(MD)No.15622 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15622 of 2020
and
WMP(MD)Nos.13110, 13111 of 2020

N.Muthukrishnan

.. Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungampakkam Highway,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiruvanaikoil,
Tiruchirappalli.

3.The Executive Officer,
Arulmigu Kasiviswanathaswamy Temple,
Thenipatti (Agavayal),
Thirumayam Taluk,
Pudukottai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorari calling for the records relating to



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the order passed by the second respondent in Misc.Petition No.35/2019

dated 04.10.2019 and quash the same.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.P.Subburaj,
Special Government Pleader
for R.1, R.2

Mr.G.Madhavan for R.3

ORDER

The petitioner's father was in occupation of the subject property, which is a Temple property. The second respondent / Joint Commissioner, by treating the petitioner's father as an encroacher, has passed the impugned order dated 04.10.2019, u/s.78 of the Hindu Religious and Charitable Endowments Act, directing him to vacate the property. As against the same, the petitioner has filed this writ petition.

2.Learned Counsel for the petitioner submitted that the petitioner's father, Natarajan, died in the year 2002. This impugned order has been passed as against a dead person and on this ground, the impugned order is



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liable to be set aside. He has also relied on the death certificate of the said Natarajan.

3.This submission of the petitioner's Counsel is not disputed by the other side.

4.In view of the above position, the impugned order dated 04.10.2019 is set aside. The second respondent is at liberty to issue a fresh notice u/s.78 of the Act to this petitioner, conduct an enquiry and take appropriate action. Such exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

gk

To

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Hindu Religious and Charitable Endowments Department,
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Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiruvanaikoil,
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