



W.P.(MD) Nos.14160 to 14173 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.14160 to 14173 of 2023

and

W.M.P(MD) Nos.12007, 12011, 12014, 12008, 12010, 12013, 12009,
12018, 12020, 12016, 12012, 12017, 12015 and 12019 of 2023

W.P.(MD) No.14160 of 2023

S.Tirumalsamy

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Plot No.49, M.R.S.Nagar,
Mullippadi Village, Seelapaadi Post,
Dindigul-5,
Dindigul District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
6/42, Spencer Compound,
Thiruvalluvar Nagar 4th Street,
Near Bus Stand,
Dindigul-624 003.



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4.Arulmigu Soundharaja Perumal Thirukovil,
Through its Executive Officer,
Thadikombu,
Dindigul 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 and quash the eviction notice dated 29.05.2023 in Na.Ka.No. 88/2020/அ3 on the file of the third respondent and consequently, to direct them to maintain status quo till the disposal of the revision petition filed before the first respondent in R.P.No.173 of 2023.

For Petitioners : Mr.H.Lakshmi Shankar

For Respondents : Mr.P.Subbaraj
Special Government Pleader

COMMON ORDER

The writ petitioners in all these writ petitions occupied the lands belonging to the fourth respondent temple for the past five years. Some of them have built houses and some of them have put up shops. All these properties have received electricity service connection and property tax assessment for the superstructure has also been levied in the name of the petitioners.



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2. It is the case of the petitioners that all of a sudden, they have been served with the notice by the fourth respondent stating that the petitioners were encroachers of the lands belonging to the temple. The petitioners would submit that they have never known the fact that the property is belonging to the fourth respondent. On receiving the notice, they had approached the fourth respondent. However, without holding an enquiry and hearing the petitioners, the resolutions were passed to evict the petitioners. The third respondent had passed the resolutions on 13.12.2019 and 28.07.2021 giving a list of persons, who have been termed as encroachers of the temple lands situated in Survey Nos.1755 and 1757 situated in Thadikombu, Dindigul District. While so, the third respondent has submitted a report to the second respondent to initiate proceedings under Section 78 (2) and 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and the second respondent without giving an opportunity and conducting a proper enquiry, had passed orders of eviction. This order was challenged by the petitioners by filing the revision petitions in R.P.Nos.173 and 184, 178, 175, 180, 182, 177, 176, 183, 185, 172, 174 179, 181 of 2023 respectively before the Commissioner, HR&CE Department, Chennai.



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3. The petitioners would submit that they had all along believed that the properties were natham lands and therefore, by reason of their occupation of the same, they had acquired right to the same. Some of the petitioners had also given an undertaking that they were ready to enter into lease agreements with the fourth respondent temple. In the revision petitions, notices were ordered to respondents 2 to 4 and while these revisions are pending, the third respondent has issued eviction notices, which though signed on 29.05.2023 were despatched only on 07.06.2023. The third respondent had totally overlooked the review petitions that are now pending before the first respondent and has passed eviction orders.

4. The learned counsel for the petitioners would further submit that today the officials have arrived at the premises to evict the petitioners and therefore, the petitioners have come forward with the above writ petitions.



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5. The respondents are represented by Mr.P.Subbaraj, Special Government Pleader.

6. Heard the learned counsel appearing on either side.

7. From a perusal of the records, it is clearly evident that the petitioners have challenged the orders of eviction by filing revision petitions before the Commissioner and the same are pending disposal. At this juncture, the action taken by the second respondent would only render the very revisions infructuous. The petitioners have also expressed their willingness to enter into lease agreements with the fourth respondent temple on the reasonable rent.

8. In these circumstances, I am inclined to allow these Writ petitions. The eviction order of the third respondent, dated 29.05.2023, is quashed and there shall be an order of injunction restraining the respondents, their men, officials or anyone claiming under them from dispossessing the petitioners from their respective premises till the



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disposal of the revisions before first respondent. It is open to the petitioners to make necessary applications to the fourth respondent for recognizing them as tenants of the fourth respondent after fixing reasonable rent for the premises. These writ petitions are allowed accordingly. 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

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P.T.ASHA, J.

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