



W.P.(MD) Nos.15479 to 15483 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.15479 to 15483 of 2023

and

W.M.P.(MD) Nos.13034 to 13038 of 2023

W.P.(MD) No.15479 of 2023:

Y.Sivakumar

.. Petitioner

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.

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



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4.The Executive Officer,
A/M.Thathankulam Vinayagar Temple,
Aruppukottai, Virudhunagar District.

.. Respondents

Prayer: Petition 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 Sections 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 petitioner in Shop No.167, in T.S.No.271, Block 9, Ward D, Old S.No.123, New S.No. 167/1149, Aruppukkottai Town, Virudhunagar District.

W.P.(MD) No.15480 of 2023:

Suresh Babu

.. Petitioner

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,



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Madurai.

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

4.The Executive Officer,
A/M.Thathankulam Vinayagar Temple,
Aruppukottai, Virudhunagar District.

.. Respondents

Prayer: Petition 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 Sections 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 petitioner in Shop No.169, in T.S.No.271, Block 9, Ward D, Old S.No.123, New S.No. 167/1149, Aruppukkottai Town, Virudhunagar District.

W.P.(MD) No.15481 of 2023:

Y.Kannan

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.19, Uthamar Gandhi Salai,



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Thousand Lights West,
Nungambakkam, Chennai-600 034.

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

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

4.The Executive Officer,
A/M.Thathankulam Vinayagar Temple,
Aruppukottai, Virudhunagar District.

.. Respondents

Prayer: Petition 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 Sections 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 petitioner in Shop Nos.166, 166(1)(2)(3)(4)(5)(6)(7) in T.S.No.271, Block 9, Ward D, Old S.No.123, New S.No.167/1149, Aruppukkottai Town, Virudhunagar District.



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W.P.(MD) No.15482 of 2023:

Ram Babu

.. Petitioner

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.

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

4.The Executive Officer,
A/M.Thathankulam Vinayagar Temple,
Aruppukottai, Virudhunagar District.

.. Respondents

Prayer: Petition 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 Sections 78(1) and 78(2) dated 17.03.2023, and to



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quash the same as illegal and consequently directing the respondents not to interfere with the peaceful possession and business of the petitioner in Shop No.165, 165(1)(2)(3)(4)(5)(6)(7), in T.S.No.271, Block 9, Ward D, Old S.No.123, New S.No.167/1149, Aruppukkottai Town, Virudhunagar District.

W.P.(MD) No.15483 of 2023:

S.Shankar

.. Petitioner

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.

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

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

.. Respondents



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Prayer: Petition 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 Sections 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 petitioner in Shop No.173-A, in T.S.No.271, Block 9, Ward D, Old S.No.123, New S.No.167/1149, Aruppukkottai Town, Virudhunagar District.

In all W.Ps.

For Petitioner	:	Mr.S.Madhavan
For RR1 to 3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.P.Mahendran

COMMON ORDER

These writ petitions are filed challenging the impugned notices dated 17.03.2023, quash the same and consequently, direct the respondents not to interfere with the peaceful possession and the



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business of the petitioners in the petition mentioned shops.

2. In similar circumstances, this Court by its order dated 28.04.2023 in W.P.(MD) No.10814 of 2023, quashed the impugned notice by passing the following order:

“3. The conduct of the fourth respondent in issuing this proceedings is a flagrant attempt to overreach the judgment of a Civil Court. As an date, the petitioner's title to the property has been denied by the civil Court and challenge to this decree is now pending in appeal. In this background, the proceedings now initiated is illegal and has to necessarily be set aside. Accordingly, this Writ Petition is allowed and the proceeding initiated under the impugned order, dated 17.03.2023, is quashed. No costs. Consequently, connected miscellaneous petition is closed.”

3. Thus, following the above, these Writ Petitions are allowed and the impugned notices are quashed. It is made clear that the appellate authority shall dispose of the appeal suit as expeditiously as possible not



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later than a period of six months from the date of the appeal being ready for hearing. No costs. Consequently, connected miscellaneous petitions are closed.

28.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr

To

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



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P.T.ASHA, J.

abr

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Dated: 28.06.2023