



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

and

W.M.P.(MD).Nos.16575, 16581, 16578 and 16580 of 2023

W.P.(MD).No.20106 of 2023:

V.Manimaraboopathi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.

2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Order in Petition No.07/2023 dated 13.06.2023 issued by the third respondent and quash the same as devoid of merits, consequently directing the first respondent to take the petitioner's appeal dated 14.08.2023 filed Under Section 81 of Hindu Religious and Charitable Endowments Act, 1959 on file and to hear the same and till then not to disturb his possession and enjoyment of property in Survey No.92 an extent of 6 Acres in Mandavadi Village, Oddanchatram Taluk, Dindigul District, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader.

W.P.(MD).No.20107 of 2023:

K.Karuppasamy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.

5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Order in Petition No.09/2023 dated 13.06.2023 issued by the third respondent and quash the same as devoid of merits, consequently directing the first respondent to take the petitioner's appeal dated 14.08.2023 filed Under Section 81 of Hindu Religious and Charitable Endowments Act, 1959 on file and to hear the same and till then not to disturb his possession and enjoyment of property in Survey No.92 an extent of 1 Acre in Mandavadi Village, Oddanchatram Taluk, Dindigul District, within the period as stipulated by this Court.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

W.P.(MD).No.20108 of 2023:

K.Thangavel

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.

2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.

5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Order in Petition No.08/2023 dated 13.06.2023 issued by the third respondent and quash the same as devoid of merits, consequently



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

directing the first respondent to take the petitioner's appeal dated 14.08.2023 filed Under Section 81 of Hindu Religious and Charitable Endowments Act, 1959 on file and to hear the same and till then not to disturb his possession and enjoyment of property in Survey No.92 an extent of 1 Acre in Mandavadi Village, Oddanchatram Taluk, Dindigul District, within the period as stipulated by this Court.

W.P.(MD).No.20109 of 2023:

P.Pavunathal @ Periyathai

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.
- 2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Order in Petition No.06/2023 dated 13.06.2023 issued by the third respondent and quash the same as devoid of merits, consequently directing the first respondent to take the petitioner's appeal dated 14.08.2023 filed Under Section 81 of Hindu Religious and Charitable Endowments Act, 1959 on file and to hear the same and till then not to disturb his possession and enjoyment of property in Survey No.92 an extent of 1 Acre 99 Cents in Mandavadi Village, Oddanchatram Taluk, Dindigul District, within the period as stipulated by this Court.

(In all Writ Petitions):

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

COMMON ORDER

WEB COPY

The Writ Petitions are filed to quash the order dated 13.06.2023 with a consequential relief to consider the petitioners appeal dated 14.08.2023 filed under Section 81 of Hindu Religious and Charitable Endowments Act, 1959 and till then not to disturb the petitioners possession and enjoyment in respect to property in S.No.92 situated at Mandavadi Village, Oddanchatram Taluk, Dindigul District.

2. The petitioners' ancestors have purchased the land in Inam S.No.92 to an extent of 10 Acres 3 Cents through sale deed Document No.91 of 1916 dated 11.01.1916 and thereby claims title over the disputed property. But the contention of the respondents is that the said land is the temple property. The respondents have passed the impugned order by treating the petitioners as encroachers. Aggrieved over the same, the petitioners have preferred an appeal before the Commissioner of Hindu Religious and Charitable Endowments Department.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

3. The learned counsel appearing for the respondents vehemently opposed the contention of the petitioner and submitted that the appeal under Section 81 of the Hindu Religious and Charitable Endowments Act, 1959 would lie only if the petitioner accepts the title of the Temple. On perusal of Section 80 of the Act, it is seen that the respondents are empowered to evict lessee, licensee etc. If any order is passed under Section 80 of the Act, then appeal can be filed under Section 81 of the Act. Since the petitioners are disputing the title of the Temple, then the remedy is applicable under Section 79(2) of the Act. Under Section 79(2) of the Act, it states that the person who are disputing the title shall file a civil suit against the said religious institutions / endowments.

4. In the present case, the petitioners are disputing the title of the Temple and rightly the petitioners have preferred suits in O.S.No.174, 220, 220 and 221 of 2023 on the file of Ottanchatram Sub Court, Dindigul and the same is pending. Therefore, the petitioners cannot litigate in all available Forums / Courts. The petitioner has approached this Court by filing the present Writ Petition and further has also preferred an appeal before the Commissioner HR&CE and has also filed suits. Since the petitioners are disputing the title of



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

the Temple, the appropriate remedy is filing suit before the Civil Court.

WEB COPY

5. The respondents have subsequently issued an eviction notice dated 12.08.2023, whereby it is stated that the petitioners would be evicted by using Police force. Since already the petitioners have filed suits before the Civil Court, this Court directs the petitioners to file an interim application before the Civil Court for getting interim orders against eviction order through police force. Therefore, the petitioners are directed to approach Civil Court and file appropriate application, where the suits were already filed and pray for interim relief by showing eviction notice dated 12.08.2023.

6. Therefore this Court is passing the following orders:

i. The petitioners are directed to file Interlocutory Application for interim relief from eviction within a period of four (4) weeks from the date of receipt of a copy of this order.

ii. The interim application shall be considered and pass orders within a period of two months therefrom.

iii. The Civil Court shall consider the application based on the appropriate evidence independently, uninfluenced by the order passed by this Court in the present writ petition.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

iv. There shall be an order of interim stay for the eviction notice dated 12.08.2023 for a period of eight weeks from the date of receipt of the copy of the order.

v. In the meantime, the petitioners shall obtain interim orders from the Civil Court. If the petitioners are not able to get any interim order within a period of two months, then the respondents are at liberty to take action as per law.

6. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 17.08.2023.



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

To

WEB COPY

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.
2. The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul District,
Dindigul.
5. The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.



WEB COPY



W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).Nos.20106, 20107, 20108 and 20109 of 2023

17.08.2023