



W.P.No.3878 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.3878 of 2020

and

WMP.No.4595 of 2020

Vadivel Murugan

...Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai - 600 034.
 2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai - 600 034.
 3. The Executive Officer,
Arulmigu Thiruvallisvar Thirukovil,
Padi, Chennai - 600 050.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings in M.P.No.215 of 2017 dated 16.12.2019 on the file of the first respondent and quash the same as illegal, against procedure established by law and direct the first respondent to afford an opportunity to the petitioner and pass orders in accordance to law.



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For Petitioner : Mr.S.Aravind Raj
for M.Nalla Thambi
For R1 & R2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)
For R3 : Mr.M.Karthikeyan

ORDER

Challenging the order passed by the first respondent evicting the petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act 1955 treating the petitioner as an encroacher, he has come with this writ petition.

2. Against the order of eviction passed by the Joint Commissioner under section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, a revision will lie before the Commissioner HR & CE. Apart from that, the petitioner is also having remedy of filing statutory suit questioning the title of the temple. At the time of admission, the petitioner was granted interim protection on condition that the petitioner depositing a sum of Rs.40,000/- on or before 20.03.2020. The petitioner was also directed to avail alternative remedy of revision before the Commissioner. Till date no such revision has been filed by the petitioner and the condition to deposit a sum of Rs.40,000/-



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is also not complied with.

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3. The learned Special Government Pleader has produced written instructions and submitted that the petitioner has not paid any amount as directed by this Court. It is also stated that the petitioner has not filed any revision before the competent authority challenging the impugned order as directed.

4. In view of the availability of alternative remedy before the Commissioner of HR & CE and also statutory suit this Court is not inclined to entertain the writ petition. Accordingly, writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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To

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Endowment Department, Chennai - 600 034.
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