



W.P. No. 4735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4735 of 2024

and

W.M.P. Nos. 5173 and 5175 of 2024

R.S.Manivannan

... Petitioner

-VS-

1. The Joint Commissioner /Executive Officer
Hindu Religious and Charitable Endowment Department
Arulmigu Kapaleeswarar Temple
Mylapore,
Chennai – 600 004.

2. The Secretary to Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

(R2 is *suo motu* impleaded vide this order)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records and quash the Respondent's impugned order Na.Ka. No. 524/2008/A4 dated 12.02.2024 directing to evict the Petitioner from the commercial premises situated at R.S. No. 352/1, Door No. 35, 36, 37, Ramakrishna Mutt Road, Mylapore, Chennai – 600004.



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For Petitioner : Mr. P.Sureshbabu
For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

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ORDER

Heard Mr. P.Sureshbabu, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Respondent by Proceedings in Na. Ka. No. 524/2008/A4 dated 12.02.2024 called upon the Petitioner to vacate from Door No. 35, 36, 37, Ramakrishna Mutt Road, Mylapore, Chennai belonging to the Temple of the Respondent, failing which eviction proceedings would be taken under Section 79(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which is assailed in this Writ Petition.

3. Learned Special Government Pleader appearing for the Respondents has brought to notice that proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, had been initiated against the



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Petitioner in which the proceedings dated 21.09.2016 had been passed against which a revision filed under Section 21 of the Act before the Commissioner, Hindu Religious and Charitable Endowments Department of Tamil Nadu was rejected by order dated 04.04.2017 in R.P. No. 313 of 2016/D2 and thereafter, a revision application under Section 114 of the Act had been filed before the Secretary to Government of Tamil Nadu, Tourism, Culture and Religious Endowments Department, Secretariat, Fort St. George, Chennai – 600009, who is *suo motu* impleaded as the Second Respondent in the Writ Petition, and the same is pending.

4. It is represented that the said review application had been taken on file as R.P. No. 02 of 2024 and it is posted for enquiry at 4.00 p.m. on 18.03.2024 and that the Petitioner has also sought for interim relief in that review application.

5. Having regard that the aforesaid submission made, it shall be incumbent upon the Second Respondent, after issuing due notice to all parties concerned and following the prescribed procedure in the enquiry, pass reasoned orders, either interim or final, dealing with each of the contents raised on merits in accordance with law. The First Respondent shall defer any further action against the Petitioner in respect of the said property till its outcome is informed



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in writing to the parties in that regard. It is needless to add here that no view has been expressed by this Court on the merits of the controversy involved in the matter.

6. In such circumstances, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to raise all his contentions in that Revision Petition before the Second Respondent and he has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, connected Miscellaneous Petitions are closed. No costs.

29.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

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To

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P.D. AUDIKESAVALU, J.

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