



W.P.No.30656 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30656 of 2015

And

M.P.Nos.1 to 3 of 2015

- 1.A.Govindan
- 2.A.Alamelu
- 3.K.Balan
- 4.A.Kundalakesi
- 5.S.Durga
- 6.E.Pachaiammal
- 7.V.Narasimalu
- 8.S.Saraswathi
- 9.S.Padmini
- 10.N.Dhanapal
- 11.K.Paneerselvam
- 12.M.Kanchana
- 13.P.Bobby
- 14.C.Shanmugam
- 15.Manigandan
- 16.K.Venu

... Petitioners

Vs.

- 1.The Joint Commissioner/Executive Officer
Arulmigu Arunachaleswar Thiru Koil
Thiruvannamalai.
- 2.Arulmigu Arunachaleswar Thiru Koil
Rep. by its Fit Person Cum Executive Officer
Thiruvannamalai.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents pertaining to notice V.A.No.138/S.K.T.A/2015 dated 11.09.2015 published on 12.09.2015 in the Tamil News Paper Dina Thanthi and quash the same and consequently forbear the respondents from in any way interfering with the petitioners' peaceful possession of their respective properties in Polur Road, 7th Street, Tiruvannamalai or evicting them pursuant to the impugned notice dated 11.09.2015.

For Petitioners : Mr.Richardson Wilson
for M/s.P.Wilson Associates

For Respondents : Mr.S.Ravichandran for R1
Additional Government Pleader(HR&CE)
Mr.Wilson for R2
for M/s.A.S.Kailasam & Associates

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the respondents pertaining to notice V.A.No.138/S.K.T.A/2015 dated 11.09.2015 published on 12.09.2015 in the Tamil News Paper Dina Thanthi and quash the same and consequently forbear the



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respondents from in any way interfering with the petitioners' peaceful possession of their respective properties in Polur Road, 7th Street, Tiruvannamalai or evicting them pursuant to the impugned notice dated 11.09.2015.

2.The learned counsel appearing for the petitioners submitted that the petitioners are in occupation of different extent of the lands in Polur Road, 7th Street, Tiruvannamalai, which originally belonged to Arulmigu Arunachaleswar Thiru Koil Trust Board. The second respondent during the year 1974 divided the subject property and offered individual plots for a sale consideration of Rs.400/- each to be paid in two installments and the petitioners paid the first installment and the second respondent also accepted and collected the same and the petitioners were also issued with Arunachalapuram Veetumanai Urimai Attai, however, thereafter the second respondent did not collect the second installment and all of a sudden the respondents issued notices dated 16.07.2015 to the petitioners under Section 78 (1) of the HR&CE Act terming the petitioners as encroachers.

3.The learned counsel appearing for the petitioners further submitted that the notices dated 16.07.2015 were challenged before



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this Court in W.P.No.25616 of 2015 and this Court vide order dated 18.08.2015 disposed of the writ petition by holding that the notices were only intimations and that the petitioners could not be evicted on the basis of the same. Thereafter the respondents issued the impugned notice, wherein, the respondents once again termed the petitioners as encroachers and called upon the petitioners to show cause why they could not be evicted, which is not sustainable one.

4.The learned Additional Government Pleader (HR&CE) appearing for the first respondent submitted that the impugned notice is only a show cause notice and not eviction notice issued under Section 78 of the HR&CE Act and further submitted that the eviction notice is to be issued only by the Joint Commissioner and further submitted that this Court, without interfering with the impugned order, may issue direction to the Joint Commissioner, Thiruvannamalai, to initiate proceedings under Section 78 of the HR&CE Act and grant liberty to the petitioners to file their objections and issue further direction to the Joint Commissioner to pass appropriate orders within a reasonable time frame.

5.Considering the submissions made on either side, this Court



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without interfering with the impugned order, permits the Joint Commissioner, Thiruvannamalai, to initiate proceedings under Section 78 of the HR&CE Act, if so desired, within a period of two weeks from the date of receipt of a copy of this order. If such proceedings is initiated, the petitioners shall file their objections, within a period of two weeks thereafter. Thereafter, the Joint Commissioner shall conduct inspection along with the petitioners and Temple Authorities and consider the objections filed by the petitioners and pass appropriate orders within a period of twelve weeks thereafter. Further liberty is granted to the petitioners to canvass all the points before the Joint Commissioner.

6.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

04.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Joint Commissioner/Executive Officer
Arulmigu Arunachaleswar Thiru Koil

5/6



Thiruvannamalai.

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M.DHANDAPANI,J.
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