



WEB COPY



W.P. No.23240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.23240 of 2024
and
W.M.P.No.25414 of 2024

E.Veerabadran

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments (HR & CE),
No.119, Uttamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner,
HR & CE Dept.
ASN Colony, Melakottai Vasal,
Nagapattinam.

3. The Assistant Commissioner
HR & CE Dept.
ASN Colony, Melakottai Vasal,
Nagapattinam.

4. The District Collector,
Collectorate,
Nagapattinam.

5. V.Venkatesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents 1 to 3 to initiate



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eviction proceedings under Section 78 of the T.Nadu Hindu Religious and Charitable Endowments Act and to remove the encroachment made by the 5th respondent in the property situate at T.S.No.918 and 919 (part).

For Petitioner : M/s.K.M.Subramanian

For Respondents : Mr.NRR.Arun Natarajan
Special Government Pleader (HR & CE) for
RR1 to 3

Mr.LSM.Hasan Fisal, AGP for R4

ORDER

This petition has been filed seeking to direct the respondents 1 to 3 to initiate eviction proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and to remove the encroachment made by the fifth respondent in the property situated in T.S.No.918 and 919 (part) at Nagapattinam Town.

2. Since no adverse order has been passed against the fifth respondent, notice to the fifth respondent is dispensed with.

3. It is the case of the petitioner that he is a lawful tenant of Soundaraja Perumal Temple owning a tailor shop in the property bearing T.S.No.918 and 919 (part) situated in Nagapattinam town. Alleging the



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illegal encroachment of the said property which was donated to the aforesaid temple made by the fifth respondent by way of forged documents, the petitioner made several complaints before the respondents 1 to 3 to safeguard the temple's property seeking directions u/s.78 of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'the Act') to remove the said encroachment made by the fifth respondent. However, the same was not considered. Hence, the petitioner has filed the present writ petition seeking the aforesaid relief.

4. Though very many grounds have been raised in the present writ petition, the learned counsel appearing for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 to 3 to initiate eviction proceedings as against the fifth respondent u/s.78 of the Act in respect of the aforesaid property and pass appropriate orders within the time frame that may be stipulated by this Court.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that though the petitioner has made a complaint before the respondents 1 to 3 seeking to evict the fifth respondent from the aforesaid premises, however, as against the petitioner, the fifth respondent



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has made a complaint before the respondents 1 to 3 to evict the petitioner u/s.78 of the Act. Hence, appropriate action will be taken to evict the encroachment made in the said property u/s.78 of the Act in the manner known to law.

6. Heard the learned Additional Government Pleader appearing for the fourth respondent and perused the materials placed on record.

7. In the light of the submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, the second respondent is directed to conduct enquiry with regard to the said encroachment and conclude the proceedings which is pending as against the petitioner and the fifth respondent u/s.78 of the Act, after affording an opportunity of personal hearing to the parties within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2024

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Index : Yes / No

Speaking order : Yes / No



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M.DHANDAPANI, J.

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