



W.A.No.2497 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.2497 of 2022

and

CMP.Nos.19392 & 19413 of 2022

Dr(Mrs.) Latha Bhatt

... Appellant

Vs.

1. The Joint Commissioner Chennai,
Hindu Religious and Charitable Endowment (HR & CE) Dept.
No.128, Yadaval Street,
Padi, Chennai-600 050.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (HR & CE) Dept.
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.
3. The Executive Officer,
Arulmigu Gangadeeswarar & Connected Temples,
Gangadeeswarar Temple,
Purasawalkam, Chennai-600 084.
4. Mrs.P.Jayanthi
5. Mrs.P.Malini
6. Dr.(Mrs.) Sasikala Rao

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order of the learned Judge in WP.No.19558 of 2022 dated 10.10.2022 dismissing the same and to allow the said WP.

For Appellant : Mr.R.Srinivas
Senior Counsel
for Mrs.V.Mythili

For Respondents : Mr.N.Nikhilesh
for M/s.A.S.Kailasam & Associates for R1
Mr.S.Ravichandran
Additional Govt. Pleader (HR & CE)
for R2 & R3
No Appearance – R4 & R6
R5-Not ready in notice

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The learned Senior Counsel Mr.R.Srinivas would submit that the appellant Dr.Latha Bhatt has taken a decision to hand over the vacant possession of the subject property to the Executive Officer, Arulmigu Gangadeeswarar Temple. It is contended that the Temple instituted a Civil Suit for eviction and the same was decreed. The Appeal suit filed against the decree by the appellant herein is pending. The Competent Authorities under Section 78 of the Hindu Religious and Charitable Endowments Act initiated



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proceedings to evict the encroachers. The appellant was considered as an encroacher under Section 78 of the Hindu Religious and Charitable Endowments Act. Though the learned Senior Counsel would contend that Section 78 proceedings are unnecessary in view of the Civil Court decree, the appellant has decided to hand over vacant possession of the Temple property to the Authority and that being the undertaking given by the learned Senior Counsel for the appellant on behalf of the appellant, no further adjudication on merits are required.

2. Accordingly, the appellant is directed to hand over vacant possession of the subject property to the Executive Officer of the Temple, within a period of two(2) weeks from today. Recording the said undertaking, this writ appeal stands disposed of. No costs. Consequently, connected CMPs are also closed.

[S.M.S., J.] [C.K., J.]
02.08.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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