



WEB COPY



W.P.No.35001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35001 of 2024

1.Jayanthi Pai

2.Arun Pai

... Petitioners

VS.

1.The Commissioners,
The Hindu Religious & Charitable Endowments Department
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore.

3.The Village Administrative Officer,
Coimbatore.

4.The Thasildar,
Coimbatore.

5.The Fit Person,
Arulmigu Ulaganathaperumal Thirukovil,
Mangarai and Coimbatore North Taluk,
Coimbatore.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records relating to



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the order of the 5th respondent bearing Notice Dated 20.08.2024 and quash the same in accordance with law.

For Petitioner : Mr.S.Senthilvel

For R1 and R5 : Mr.K.Karthikeyan
Government Advocate (HR and CE)

For R2 to R4 : Mr.V.Ramesh
Government Advocate

ORDER

By consent of both the learned counsel appearing for the petitioners as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed challenging the impugned notice dated 20.08.2024 issued by the 5th respondent directing the petitioners to handover the possession of the property to an extent of 2 acres 11 cents in S.No.160B/2 in Veerapandi Village, Coimbatore North Taluk, Coimbatore District.



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3. In the impugned notice, it is asserted by the 5th respondent that the above mentioned property belonged to Arulmigu Ulaganathaperumal Thirukovil and the petitioners were in occupation of the said property as an encroacher. Therefore, the impugned notice was issued directing the petitioners to handover possession and petitioners were also informed that in case of their failure, necessary action will be taken against them for their eviction under Section 78 of the Hindu Religious and Charitable Endowments Act. The petitioners herein aggrieved by the said notice have come before this Court asserting their title over the said property under the Settlement Patta issued by Settlement Tahsildar dated 21.12.1967.

4. Mr.K.Karthikeyan, learned Government Advocate (HR and CE) takes notice for the respondents 1 and 5 and Mr.V.Ramesh, learned Government Advocate takes notice for the respondents 2 to 4.

5. The learned Government Advocate (HR and CE) appearing for the respondents 1 and 5 would submit that already 5th respondent prepared proposals for initiation of proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the same was



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submitted before the jurisdictional Assistant Commissioner, who in turn will submit his report before the jurisdictional Joint Commissioner for taking appropriate action.

6. The impugned notice is only an intimation to the petitioners directing them to handover possession, if the petitioners have any objections, it is always open to them to raise their objections before the respondents. In case, the 5th respondent is not satisfied with the objections raised by the petitioners claiming title over the property, it is for the 5th respondent to follow due process of law and take possession, if so advised. However, it is made clear that 5th respondent is not entitled to disturb the possession of petitioners except by due process of law.

7. With the above clarification, the Writ Petition stands disposed of.

No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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