



W.P.Nos.37244, 37246, 37247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

W.P.Nos.37244, 37246 and 37247 of 2024 and

WMP Nos.40278, 40280 and 40281 of 2024

N.Subramaniyan

... Petitioner in
W.P.No.372444 of 2024

K.Balakrishnan

... Petitioner in
W.P.No.372446 of 2024

N.Babu

... Petitioner in
W.P.No.372447 of 2024

Vs

1. The Commissioner Of Land Administration
2nd Floor, Ezhilagam, Chepauk, Chennai-05.

2. The District Collector
New Collectorate Building, Cuddalore-607 001.

3. The Revenue Divisional Officer
Virudhachalam Revenue Division, Cuddalore District-606 001.

4. The Joint Commissioner
Hindu Religious And Charitable Endowments, Cuddalore-607 001

5. The Assistant Commissioner,
Hindu Religious And Charitable Endowments, Cuddalore-607 001

6. The Tahsildar
Tittakudi Taluk, Cuddalore District-606 106.



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7. The Executive Officer
Pennadam Town Panchayat, Tittakudi Taluk,
Cuddalore District-606 105.

8. The Executive Officer
Arulmigu Piralayakaleshwarar Temple,
Hindu Religious And Charitable Endowments,
Pennadam Town Panchayat,
Tittakudi Taluk, Cuddalore District-606 105

9. The Revenue Inspector
Pennadam Town Panchayat,
Tittakudi Taluk, Cuddalore District-606 105.

10. The Village Administrative Officer
Pennadam Town Panchayat, Tittakudi Taluk,
Cuddalore District-606 105.

... Respondents in
all writ petitions

Prayer in W.P.No.37244 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned proceedings in **M.P.No.173/2022/A4**, dated 19.09.2022 on the file of the fourth respondent/Joint Commissioner and quash the same as without jurisdiction, illegal, untenable, arbitrary and unconstitutional and further directing the second and third respondents to issue grama natham patta on the basis of the recommendation of the sixth respondent/Tahsildar (Na.Ka.Aa2-5729-08) dated 30.07.2008.

Prayer in W.P.No.37246 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the



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impugned proceedings in **M.P.No.175/2022/A4**, dated 19.09.2022 on the file of the fourth respondent/Joint Commissioner and quash the same as without jurisdiction, illegal, untenable, arbitrary and unconstitutional and further directing the second and third respondents to issue grama natham patta on the basis of the recommendation of the sixth respondent/Tahsildar (Na.Ka.Aa2-5729-08) dated 30.07.2008.

Prayer in W.P.No.37247 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned proceedings in **M.P.No.178/2022/A4**, dated 19.09.2022 on the file of the fourth respondent/Joint Commissioner and quash the same as without jurisdiction, illegal, untenable, arbitrary and unconstitutional and further directing the second and third respondents to issue grama natham patta on the basis of the recommendation of the sixth respondent/Tahsildar (Na.Ka.Aa2-5729-08) dated 30.07.2008.

In all writ petitions

For Petitioners : Mr.J.Agni Selvaraju

For Respondents: Mr.V.Ramesh, Government Advocate
for respondents 1 to 3 and 6, 9 and 10

Dr.S.Surya, Addl.Government Pleader
for seventh respondent

Mr.N.R.R. Arun Natarajan, S.G.P. (HR & CE)
for respondents 4, 5 and 8.



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COMMON ORDER

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These writ petitions are filed challenging the notices issued by the fourth respondent in the eviction proceedings initiated against the petitioners under Section 78 of the HR & CE Act.

2. It is the case of the petitioners that they have been living in the subject properties for more than 40 years by putting up construction and taking advantage of the fact the subject property was described as "Thirukulam " in the revenue records prepared during the time of Nattham Nilavari Thittam, the fourth respondent has initiated eviction proceedings against the petitioners by invoking Section 78 of the HR &CE Act. It is the specific case of the petitioners that, the subject property belonged to the Revenue Department and the eighth respondent temple has no right over the same.

3. A perusal of the settlement deed, dated 18.01.1983, relied upon by the petitioner in W.P.No.37244/2024 shows that the subject property was described as " Thirukulam " in the description of the property.



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Therefore, this court, prima facie is not satisfied with the averments made by the petitioners that the subject property is not "Thirukulam".

4. Mr. N.R. Arun Natarajan, learned Special Government Pleader, who takes notice for the respondents 4,5 and 8 produced a copy of the property register of the temple, wherein, survey No.241/85 is mentioned as " Thirukulam".

5. The impugned order is only a notice issued by the fourth respondent calling for explanation from the petitioners. Hence, it is for the petitioners to appear before the fourth respondent and raise all their defences against the eviction proceedings. The fourth respondent shall consider all the defences raised by the petitioners on its own merits and dispose of the proceedings under Section 78 of the HR & CE Act, within a period of six months from the date of explanation.



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6. With the above directions, W.P.Nos.37244, 37246 and 37247 of 2024 are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
mst

To

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S.SOUNTHAR, J.
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