



W.P.No.36191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36191 of 2024
and WMP.Nos.39078 and 39079 of 2024

A.Venkatesan

..... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Villupuram District.

3.The Executive Officer,
A/.Janarthana Perumal Thirukoil,
Puthamamthal, Vellimedupettai, Tindivanam Taluk,
Villupuram District.

4.Mr.Dill @ Kulasekaran,
Thattara Street, Velimedupettai and Post,
Tindivanam Taluk, Villupuram District – 604 207.

..... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice board dated 22.11.2024 kept in temple land comprised in S.No.25/1 situated at Vellimedupettai Village by the 2nd respondent and quash the same and further direct the respondents 1 to 3 to treat the petitioner as tenant in the temple property.

For Petitioner : Mr.J.Rajmohan
For Respondents :Ms.K.Karthikeyan
Government Advocate
HR and CE for R1 to R3

ORDER

The writ petition is filed challenging the notice put up by the 3rd respondent that eviction order passed against the petitioner by the second respondent will be executed and possession of the petitioner's property will be taken over on 26.11.2024.

2. It is the case of the petitioner that he entered into the lease arrangement in respect of 144 sq.ft of land in S.No.25/1 with trustee of 3rd respondent temple on 15.12.1999 for a period of 30 years and based on that arrangement, the petitioner has been in possession and enjoyment of the



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property. It appears the second respondent herein treating the petitioner as an encroacher initiated proceedings under Section 78 of HR and CE Act and eviction order was passed against the petitioner on 14.11.2023. Challenging the same, the petitioner filed a revision before the first respondent in R.P.No.513 of 2023 and in the said revision, notice has been issued to the respondents 2 and 3. Till date, the revision filed by the petitioner and the stay petition filed by the petitioner are pending on the file of the first respondent.

3. When the revision petition filed by the petitioner is pending on the file of the first respondent, the 3rd respondent put up impugned notice that he would take over the possession of the property on 26.11.2024, if the petitioner failed to hand over the possession. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner submits that when the stay petition as well as the revision filed by the petitioner challenging the eviction order passed by the second respondent are pending



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disposal before the competent authority namely the respondents 1 and 3, the first respondent is not justified in putting up a notice board for taking possession of the property.

5. Mr.K.Karthikeyan, learned Government Advocate (HR and CE) who takes for the respondents 1 to 3 would submit that since the petitioner has not obtained any Stay order from the first respondent, there may not be any impediment for the respondents 2 and 3 to execute the order of eviction of the petitioner.

6. In view of the undisputed fact that the petitioner already challenged the eviction order passed by the second respondent before the first respondent and the Stay petition filed by the petitioner is also pending on the file of the first respondent, this Court is inclined to direct the first respondent to consider the Stay petition filed by the petitioner and dispose of the same on its own merits within a period of four weeks from the date of receipt of copy of this order. Till stay petition filed by the petitioner is disposed, the respondents 2 and 3 shall not enforce the order of eviction passed by the second respondent.



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7. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

26.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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