



W.P.(MD)No.4290 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.4290 of 2024

and

W.M.P.(MD)No.4121 of 2024

G.Srirangammal

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai District.

3.The Inspector,
Hindu Religious and Charitable Endowments Department,
Kulathur,
Pudukkottai District.

4.Arulmigu Sanjeevirayar Thirukovil,
Represented by its,
Hereditary Trustee,
Pidampatti Village,
Kulathur Taluk, Mathur Post,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication dated 29.09.2023 of the fourth respondent, quash the same as illegal and consequently direct the fourth respondent to accept the lease amount for the temple property leased to the petitioner, vide demand draft No.835489 drawn at Indian Overseas Bank, Mattur Branch.

For Petitioner : Mr.M.Suresh

For R-1 to R-3 : Mr.K.S.Selva Ganesan
Additional Advocate General

For R-4 : Mr.R.Murali

ORDER

This Writ Petition is filed challenging the impugned order dated 29.09.2023, whereby the amounts which is stated to have been remitted by the petitioner as lease amount was instead treated as amount towards damage for use and occupation, without prejudice to the case of the respondent that the petitioner is not a lawful tenant, instead he is an encroacher.



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2. It is submitted by the learned Additional Government Pleader for the respondents 1 to 3 that the petitioner intends to proceed under Section 78 and 79 of the Hindu Religious and Charitable Endowments Act and would ensure that the procedures contemplated therein would be complied with.

3. Recording the same, this Writ Petition stands closed. It is open to the respondents to initiate proceedings under Section 78 of the HR and CE Act, if warranted. If such proceedings are initiated, the petitioner may participate in the enquiry under Section 78 of the Act and putforth his objection including his claim that he is not a encroacher, but a lawful tenant. If such objection is filed, the same shall be considered and orders shall be passed in accordance with law, after affording reasonable opportunity of hearing to the petitioner. It is needless to state that any proceedings initiated shall be in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

27.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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Pudukkottai District.
- 3.The Inspector,
Hindu Religious and Charitable Endowments Department,
Kulathur,
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MOHAMMED SHAFFIQ, J.

Nsr

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