



W.A(MD)No.270 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.A(MD)No.270 of 2024
and
CMP(MD)No.2638 of 2024**

Tamilselvi

... Appellant

-vs-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai.

2. The Joint Commissioner,
O/o.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai Zone,
Sivagangai District.

3. The Joint Commissioner/Executive Officer,
O/o. The Joint Commissioner/Executive Office,
Hindu Religious and Charitable Endowment Department,
Arulmighu Ramanathaswamy Temple,
Rameshwaram,
Ramanathapuram District.

4. The Tahsildar,
Rameshwaram Taluk,
Ramanathapuram District.

... Respondents



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PRAYER: Appeal filed under Clause 15 of Letters patent, against the order dated 21.12.2022 passed in W.P(MD)No.13881 of 2021 on the file of this Court.

For Appellant : Mr.D.Balamurugapandi
For R1, R2 & R4 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R3 : Mr.S.Ramesh

JUDGMENT

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.D.Balamurugapandi, learned counsel appearing for the appellant, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and Mr.S.Ramesh, learned counsel appearing for the 3rd respondent.

2. The appellant/writ petitioner had filed writ petition challenging the notice issued by the 3rd respondent. The writ petition was dismissed. Aggrieved thereby, the present appeal is filed.



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3. Learned Advocate for the appellant submits that the property in question is not owned by the 3rd respondent Temple as such, the 3rd respondent does not have jurisdiction to initiate proceedings under Section 78 of The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4. Learned counsel appearing for the 3rd respondent submits that earlier, eviction notice was issued by the Rameshwaram Municipality. Challenging the same, the appellant/writ petitioner filed W.P(MD)No.1414 of 2014. In the said writ petition, the present appellant/writ petitioner averred that the 3rd respondent Temple is the owner of the property in question. Learned counsel for the 3rd respondent further submits that the 3rd respondent Temple is the owner of the property and the petitioner is an encroacher.

5. The learned Single Judge has observed that the proceedings under Section 78 of The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, has to be initiated and in the said proceedings, the appellant/writ petitioner will have right to raise all objections including the objection of title as contended by her before this Court which the authority would be required to consider it on its own merits.



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WEB COPY 6. In view of the above, the Writ Appeal is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[P.D.B., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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