



W.P.(MD)No.19417 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.19417 of 2024

and

W.M.P.(MD)No.16484 of 2024

Thangaraj

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

4.The Executive Officer,
Arulmigu Kalahtheeswarar Thirukovil,
Mullipadi,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the fourth respondent dated 09.11.2022 and quash the same and consequently direct the respondents to receive the rent and treat the petitioner as a tenant.



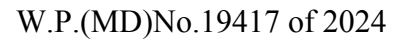
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For Petitioner : Mr.R.Murali
For R-1 to R-3 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-4 : Mr.Chandrasekar

ORDER

This Writ Petition is filed challenging the impugned communication dated 09.11.2022, issued by the Executive Officer to the petitioner on the premise that the petitioner has encroached the land belonging to the Temple property comprised in Survey No.421/B to an extent of 2.98.00 Hectare situated at Mullipadi Village, Dindigul District.

2. The learned counsel for the petitioner would submit that while the petitioner does not dispute the title of the Temple, he would submit that the impugned notice issued by the Executive Officer was prior to any order made by the Joint Commissioner under Section 78 of the Hindu Religious and Charitable Endowments Act, to which the learned counsel for the respondents would submit that this is only initiation of the proceedings under Section 78 of the Act.



6. Recording the same, this Writ Petition is closed, permitting the petitioner to file a representation before the Commissioner of Hindu Religious



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and Charitable Endowments Department. If any such representation is made, the same shall be disposed of, after affording reasonable opportunity to the petitioner, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2024

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

To:

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.



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MOHAMMED SHAFFIQ, J.

Nsr

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