



W.P.(MD).No.22799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.22799 of 2024

and

W.M.P.(MD).Nos.19325 and 19326 of 2024

1.A.Suravalipitchai

2.P.Muniappan

3.P.Mani

4.K.Nataraj

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruchirappalli - 5.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruchirappalli - 5.

3.The Block Development Officer,
S.Kannanur Town Panchayat,
Mannachanallur Taluk,
Tiruchirappalli District.



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4. The Special Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

...Respondents

(R-4 is suo motu impleaded vide order dated 26.09.2024 in W.P.(MD).No. 22799 of 2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the second respondent in Na.Ka.No.16732/2017/A8 dated 18.09.2024 and quash the same as illegal and arbitrary and consequently directing the second respondent to consider the petitioners' representation dated 20.09.2024 and to desist from taking any steps to evict the petitioners till appeal pending before the first respondent is disposed.

For Petitioners	: Mr.S.Venkatesh
For Respondents	: Mr.K.S.Selvaganesan Additional Government Pleader

ORDER

The present Writ Petition is filed challenging the impugned order passed by the second respondent dated 18.09.2024 and to direct the second respondent to consider the petitioners' representation dated 20.09.2024 and to desist from taking any steps to evict the petitioners till the disposal of the appeal pending before the Commissioner of Hindu Religious and Charitable Endowments Department.



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2. It is submitted by the learned counsel for the petitioners that the petitioners are running small shops in South Car Street surrounding Arulmigu Sidhi Vinayagar Subramaniaswamy Temple. The said property is under the custody of S.Kannanoor Town Panchayat and the Panchayat is collecting fees by issuing miscellaneous receipts. While so, a miscellaneous petition was filed in M.P.No.19 of 2018 for removal of encroachments in the temple property under Section 80 of the Hindu Religious and Charitable Endowments Act. Pursuant thereto, the first respondent issued a notice under Section 80(2) of the Act dated 04.01.2018 and the petitioners filed a detailed objection before the first respondent. However, without considering the same, the first respondent has passed an order in M.P.No.19/2018 dated 18.07.2024, whereby, the petitioners were treated as encroachers of the temple property and were directed to be evicted from the subject property within a period of 30 days, failing which, necessary action would be taken by the Assistant Commissioner under Section 81(5) of the Act. Pursuant thereto, the impugned order dated 18.09.2024 was passed by the Assistant Commissioner/second respondent, calling upon the petitioners to vacate and hand over the vacant possession of the subject property to the temple on or before 23.09.2024, failing which, the petitioners would be evicted with the assistance of Police. Challenging the said order, the present Writ Petition has been filed.



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3. It is submitted by the learned counsel for the petitioners that an appeal in Appeal No.74/2024 has been filed before the Special Commissioner under Section 81 of the Hindu Religious and Charitable Endowments Act challenging the order of eviction in M.P.No.19/2018 dated 18.07.2024. It is further submitted that an interim application for stay is also filed, which is not yet numbered.

4. It is submitted by the learned Additional Government Pleader appearing for the respondents that the said interim application would be disposed of within a stipulated period and until the disposal of the said application, status quo would be maintained, which was acceded to by the learned counsel for the petitioners.

5. In view thereof, the Special Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, before whom the appeal and the interim application is pending, is *suo motu* impleaded as the fourth respondent in the Writ Petition. The fourth respondent is directed to number the said stay application, if it is otherwise in order, within a period of one week from the date of receipt of a copy of this order and pass orders in accordance with law after



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affording a reasonable opportunity of hearing to the petitioners and other interested parties/stake holders. Until the disposal of the interim application, status quo shall be maintained.

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.09.2024

Index : Yes / No
Internet : Yes/ No
Lm

To

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MOHAMMED SHAFFIQ, J.

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