



W.P.(MD)No.22926 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22926 of 2024
and
W.M.P.(MD)No.19448 of 2024

C.Mariya Soosai Robert

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiru Courtralanatha Swamy Temple,
Courtralam,
Tenkasi District.

2.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Thiru Courtralanatha Swamy Temple,
Courtralam,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings dated 23.07.2024 and quash the same.



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For Petitioner : Mr.P.Gunasekaran
For R-1 : Mr.K.S.Selva Ganesan
Additional Government Pleader
For R-2 : Mr.S.Manohar

ORDER

The present Writ Petition is filed challenging the impugned notice dated 23.07.2024 issued by the first respondent, calling upon the petitioner to pay a sum of Rs.40,47,412/- as representing the arrears of lease.

2. It is submitted by the learned counsel for the petitioner that the impugned notice is vague, defective and incomplete, inasmuch as it does not set out the period for which the present demand is being made.

3.The learned counsel for the respondents would submit that it is always open to the petitioner to seek details, if for any reason, he finds that the notice does not provide adequate details of the demand.



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4. The learned Additional Government Pleader would submit that in view of the fact that the petitioner is in arrears of lease amount, he was treated as encroacher and proceedings were initiated under Section 78 and 79 of HR & CE Act.

5. The learned counsel for the petitioner would also submit that the petitioner has not received any notice under Section 78 and 79 of the Act, to which, the learned counsel for the respondents would submit that the proceedings have been initiated in terms of Section 78 and 79 of the Act and due process would be followed.

6. In view thereof, this Writ Petition stands disposed of on the following terms:

(i) It is open to the petitioner to make a request before the respondent give details for the period, the present demand is made;

(ii) If any such request is made, the respondent shall provide the details within a period of two weeks therefrom;

(iii) On receipt of the same, the petitioner shall submit his response within a period of one week therefrom;



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(iv) *On receipt of any such response, the respondents shall proceed to pass orders in accordance with law; and*

(v) *It is open to the respondents to invoke Section 78 and 79 of the Act in compliance with the procedure contemplated thereunder.*

No costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

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

To:

- 1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiru Courtralanatha Swamy Temple,
Courtralam,
Tenkasi District.
- 2.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
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MOHAMMED SHAFFIQ, J.

Nsr

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