



W.P.(MD)No.23707 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.23707 of 2024

and

W.M.P.(MD)Nos.20072 and 20073 of 2024

Karthick @ Karthikeyan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Theppakula Theru,
Neelagirishwarar Thoppu,
Tiruvanaikovil,
Trichy – 625 005.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Theppakula Theru,
Neelagirishwarar Thoppu,
Tiruvanaikovil,
Trichy – 625 005.

3.The Arulmigu Madurai Kaliyamman Temple,
Represented by its Executive Officer,
Hindu Religious and Charitable Endowments Board,
Thottiyam,
Trichy District.

... Respondents



W.P.(MD)No.23707 of 2024

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 second respondent vide proceedings in Na.Ka.No. 7732-1/2023/A8/ dated 19.09.2024 based on the order of the first respondent in M.P.No.224/2023 dated 28.06.2024 and quash the same as illegal and without following the principles of natural justice.

For Petitioner : Mr.T.Vadivelan

For R-1 and R-2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-3 : Mr.V.Chandrasekar

ORDER

The present Writ Petition is filed challenging the proceedings dated 19.09.2024 invoking Section 78(4) of the HR & CE Act, whereby the petitioner was found to be an encroacher and directed to hand over the vacant possession on or before 25.09.2024.

2. The first respondent vide proceedings dated 28.06.2024, found that the petitioner was an encroacher and granted 30 days time for the petitioner to vacate and hand over the vacant possession. As the petitioner failed to hand over the vacant possession, the impugned notice was issued directing the



W.P.(MD)No.23707 of 2024

petitioner to hand over the vacant possession on or before 25.09.2024, failing which it was informed that the petitioner would be vacated with the assistance of police force.

3. After submitting for a brief while, the learned counsel for the petitioner would submit that the petitioner may be granted liberty to file a revision petition and also to move an interim application for stay to which the learned counsel for the respondents does not have serious objection.

4. In view thereof, the petitioner is granted liberty to move a revision petition before the Commissioner of HR & CE Department under Section 21 of the Act along with interim application for stay, within a period of two weeks from the date of receipt of a copy of this order. If such revision petition along with the interim application are filed within the stipulated period i.e., two weeks from the date of receipt of a copy of this order, the Commissioner shall consider the interim application and pass orders in accordance with law. Until then, no coercive proceedings shall be taken by the authorities with regard to eviction of petitioner.



W.P.(MD)No.23707 of 2024

WEB COPY 5. This Writ Petition is disposed of on the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

04.10.2024

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

To:

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Theppakula Theru,
Neelagirishwarar Thoppu,
Tiruvanaikovil,
Trichy – 625 005.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Theppakula Theru,
Neelagirishwarar Thoppu,
Tiruvanaikovil,
Trichy – 625 005.



WEB COPY



W.P.(MD)No.23707 of 2024

MOHAMMED SHAFFIQ, J.

Nsr

W.P.(MD)No.23707 of 2024

04.10.2024