



W.P.(MD)No.23372 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.23372 of 2024

and

W.M.P.(MD)No.19772 of 2024

S.Soosaimari

...Petitioner

Vs

The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmigu Chitambareshwarar Vakayara Thirukovil,
Pullambadi,
Lalgudi Taluk,
Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice dated 17.09.2024 issued by the respondent to the petitioner's brother and quash the same.

For Petitioner : Mr.N.Ananda Kumar

For Respondent : V.Chandrasekar



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ORDER

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Heard Mr.N.Ananda Kumar, learned counsel for the petitioner and V.Chandrasekar, learned counsel for the respondent.

2. Challenge to the Writ Petition is the notice issued by the respondent dated 17.09.2024, calling upon the petitioner's brother to remove the encroachment made by him in the property belonging to the temple forthwith, failing which appropriate proceedings under Section 78 and 79 of Hindu Religious and Charitable Endowments Act, would be initiated.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondent would indicate that the notice could only be treated as pre-notice for initiation of proceedings under Section 78 of Hindu Religious and Charitable Endowments Act by the Joint Commissioner of HR and CE Department and without complying such proceedings, the encroachment will not be removed.



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4. Recording the said submission, I do not find any reasons for adjudicating upon the issue. The possession of the petitioner's brother shall be subject to the proceedings that may be initiated by the Joint Commissioner of Hindu Religious and Charitable Endowments Department, under Section 78 of the Hindu Religious and Charitable Endowments Act.

5. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

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

Note: Registry is directed to mark a copy of the order to Joint Commissioner, Hindu Religious and Charitable Endowments Department.



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K.KUMARESH BABU, J.

Nsr

To:

The Executive Officer,
Hindu Religious and Charitable Endowments Department,
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