



W.P.(MD)No.22791 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22791 of 2023
and
W.M.P.(MD)No.19034 of 2023

K.Arumuga Rajan @ A.K.A.Rajan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli Division,
52-A/1, Tiruvanandapuram Road,
Palayamkottai,
Tirunelveli – 2.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli Division, O/o.Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
52-A/1, Tiruvanandapuram Road, Palayamkottai,
Tirunelveli – 2.



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4.A/m.Suyambhulingaswamy Temple,
Represented by its Hereditary Trustee,
Uvari, Desiyanvilai Taluk,
Tirunelveli District.

5.S.Densingh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records and quash the proceedings of the first respondent order in R.P.No.172 of 2022 D2, dated 01.09.2023 as being null and void and consequently seeking appropriate directions against the respondents not to evict the petitioner and forbearing the respondents 2 to 4 from taking any coercive action to dispossess the petitioner from the property measuring 3 cents comprised in Survey No.408/4, Main Road, Uvari, East Uvari Post, Desiyanvillai Taluk, Tirunelveli District – 627 651.

For Petitioner : Mr.A.Robinson

For R-1 to -3 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-4 : Mr.V.Chandrasekaran

ORDER

This Writ Petition is filed challenging the impugned proceedings dated 01.09.2023 in R.P.No.172/2022, wherein the petitioner *inter alia* was directed to vacate and hand over the property to the temple immediately inasmuch as it



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was in a dilapidated condition apart from the direction to the petitioner to settle all the rental arrears within 15 days from the date of the impugned order.

2. After making brief submissions regarding the facts of the case, the learned counsel for the petitioner seeks liberty of this Court to file a revision before the Government under Section 114 of the Hindu Religious and Charitable Endowments Act. They also intend to file an interim application under Section 114(2) of the Act.

3. In view thereof, the petitioner is granted liberty to prefer a revision petition under Section 114 of the Act and also move a stay application in accordance with Section 114(2) of the Act, within a period of three weeks from the date of receipt of a copy of this order. If such interim application is filed within the stipulated period, the respondents shall keep all coercive proceedings in abeyance until the stay petition is heard and orders passed thereon. If for any reasons, the petitioner does not prefer revision petition or stay application within the stipulated period, the respondents are at liberty to proceed in accordance with law.



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4. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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

To:

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- 2.The Joint Commissioner,
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Tirunelveli Division, O/o.Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
52-A/1, Tiruvanandapuram Road, Palayamkottai,
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MOHAMMED SHAFFIQ, J.

Nsr

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