



W.P.(MD)No.23515 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.23515 of 2024

and

W.M.P.(MD)Nos.19901 and 19902 of 2024

P.Chandrasekar

...Petitioner

Vs

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai. ... Respondents

(R-2 is suo motu impleaded vide order dated 01.10.2024 in W.P.(MD)No.23515 of 2024)

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 and quash the same.



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For Petitioner : Mr.N.Ananda Kumar
For R-1 : V.Chandrasekar
For R-2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.N.Ananda Kumar, learned counsel for the petitioner, V.Chandrasekar, learned counsel for the 1st respondent and Mr.P.Subbaraj, learned Special Government Pleader for the 2nd respondent.

2. Challenge to the Writ Petition is the notice issued by the first respondent dated 17.09.2024, calling upon the petitioner 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.



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3. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the second 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 and without complying such proceedings, the encroachment will not be removed.

4. Recording the said submission, I do not find any reasons for adjudicating upon the issue. The possession of the petitioner shall be subject to the proceedings that may be initiated by the second respondent 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 petitions are closed.

11.11.2024

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



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K.KUMARESH BABU, J.

Nsr

To:

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