



W.P.(MD)No.23526 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.23526 of 2024
and
W.M.P.(MD)No.19911 of 2024

P.Karunaneethi

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai,
Mayiladuthurai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam,
Thanjavur District.
- 4.The Executive Officer,
Sri Aadhi Kumbeshvarar Thirukovil,
Arulmigu Kodiamman and Dhakshinamoorthy Thirukovil,
Kumbakonam,
Thanjavur District.



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5.The Fit Person,

Arulmigu Kodiamman and Dhakshinamoorthy Thirukovil,

Kumbakonam,

Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.6334/2021-1/A7 dated 19.09.2024 and quash the same as illegal and arbitrary and consequently direct the respondents 2 to 5 herein not to interfere with the petitioner's peaceful possession and enjoyment of the house property in Door No.16, Ward No.4, Block No.9, Town Survey No.635 to an extent of 209.5 square meter situated at Kumbakonam Town, Thanjavur District.

For Petitioner : Mr.G.Gomathi Sankar

For R-1 to R-3 : Mr.K.S.Selva Ganesan
and R-5 Additional Government Pleader

For R-4 : Mr.V.Chandrasekar

ORDER

This Writ Petition has been filed challenging the order of the third respondent dated 19.09.2024, whereby the petitioner is directed to hand over the vacant possession of the subject property in Door No.16, Ward No.4, Block No.9, Town Survey No.635 to an extent of 209.5 square meter situated at Kumbakonam Town, Thanjavur District.



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2. It is submitted by the learned counsel for the petitioner that the Joint Commissioner vide order dated 25.07.2024 in M.P.No.28/2022/E1 had found that the petitioner was an encroacher and directed initiation of proceedings to recover the subject properties under Section 78 of the HR & CE Act. It is submitted that revision under Section 21 of the Act had already been filed before the Commissioner and interim application has also been filed. However, the interim application has not been numbered. In the meanwhile, the impugned proceeding dated 19.09.2024 has been issued by the Joint Commissioner directing the petitioner to hand over the vacant possession of the subject property.

3. The learned counsel for the petitioner would further submit that until the interim application is heard and ordered, there may be an interim protection to which the learned Additional Government Pleader does not have any serious objection.

4. In view thereof, the first respondent shall number the interim application, if it is otherwise in order within a period of one week from today



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and the same shall be disposed of within a period of two weeks from the date of numbering of the interim application. Until the disposal of the interim application, all coercive proceedings shall be kept in abeyance.

5. This Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 01.10.2024.

To:

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai,
Mayiladuthurai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam,
Thanjavur District.



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4.The Executive Officer,
Sri Aadhi Kumbeshvarar Thirukovil,
Arulmigu Kodiamman and Dhakshinamoorthy Thirukovil,
Kumbakonam,
Thanjavur District.

5.The Fit Person,
Arulmigu Kodiamman and Dhakshinamoorthy Thirukovil,
Kumbakonam,
Thanjavur District.



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MOHAMMED SHAFFIQ, J.

Nsr

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