



W.P(MD)No.27244 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 14.11.2024

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD)No.27244 of 2024**

**and**

**W.M.P(MD)Nos.23071 and 23073 of 2024**

S.M.Rajsekaran

... Petitioner

Vs

1.The Commissioner,  
Office of the Commissioner,  
Hindu Religious and Charitable Endowment,  
Chennai – 600 034.

2.The Joint Commissioner,  
Office of the Joint Commissioner,  
Hindu Religious and Charitable Endowment,  
Trichy – 05.

3.The Assistant Commissioner,  
Office of the Assistant Commissioner,  
Hindu Religious and Charitable Endowment,  
Trichy – 05.

4.The Executive Officer,  
Arulmighu Kasi Viswanathanswamy Temple,  
Melapandamangalam,

**Having office at:**

Arulmighu Vekkaliyamman Temple,  
Uraiyur Town,  
Trichy – 620 003.

...Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.1417-1/2021/A8 dated 04.11.2024 thereby restraining the 3<sup>rd</sup> respondent from taking any coercive action against the impugned proceeding consequently not to disturb the petitioner's Possession until the Final Disposal of the Pending Revision Petition filed by the petitioner under the Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowment, 1959 on the file of the 1<sup>st</sup> respondent/Commissioner.

For Petitioner : Mr.Ramesh Mahadev

For Respondents : Mr.P.Subbaraj  
Special Government Pleader  
for R1 to R3  
Mr.V.Chandrasekar for R4

### **ORDER**

The Challenge in the writ petition is the notice issued by the third respondent herein calling upon the petitioner to hand over the possession of the property which had been held to have encroached by the orders of the second respondent dated 20.06.2024.



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2.Heard Mr.Ramesh Mahadev, learned Counsel appearing for the petitioner and Mr.P.Subbaraj, leaned Special Government Pleader appearing for R1 to R3 and Mr.V.Chandrasekar, learned Counsel appearing for R4.

3.The learned Counsel appearing for the writ petitioner would submit that as against the said orders passed by the second respondent, the revision petition had been filed in R.P.Nos.424 and 425 of 2024 before the first respondent and the same had been listed for further hearing before the first respondent on 02.12.2024. When the revision petition is pending, the third respondent has issued the present impugned order calling upon to vacate the premises on or before 18.11.2024, failing which the possession would be taken with the aid of police on 19.11.2024 and therefore, they seek to quash the said notice.

4.Considering the fact that the present eviction is sought to be made pursuant to the order passed by the second respondent which is the subject matter of revision before the first respondent and that the notice of hearing of the said revisions is to take place on 02.12.2024, since the order passed under Section 78 by the second respondent is the subject matter of the revision, no eviction proceedings would be permitted till the disposal of the said revision petition.



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5. In such view of the matter, there shall be a direction to the first respondent to dispose of the said revision filed by the petitioner in R.P.Nos.424 and 425 of 2024 as expeditious as possible, but not later than six months from the date of receipt of a copy of this order.

6. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

**14.11.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR



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To

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**K.KUMARESH BABU, J.**

RJR

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**14.11.2024**