



W.P(MD)No.27743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)Nos.27743 to 27753, 27763 & 28107 of 2024
and
W.M.P(MD)Nos.23546, 23547, 23549, 23551, 23552, 23553,
23555, 23556, 23559, 23561, 23562, 23564, 23565,
23846 & 23847 of 2024**

W.P(MD)No.27743 of 2024:

Chandra

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The District Revenue Officer,
District Collector Office,
Tirunelveli District.
- 3.The Joint Commissioner of HR&CE,
Tirunelveli District.
- 4.The Assistant Commissioner of HR&CE,
Tirunelveli District.



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5.The Executive Officer,
Arulmigu Thirugnanasambantharmurthi Thirukoil,
Tirunelveli Town,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relates to the notice of removal of encroachment issued by the second respondent in Na.Ka.No. A2/5590/2024 dated 13.11.2024 and quash the same as it is arbitrary and illegal and in consequence to forbear the respondents from removing the building situated in Door No.114, Sengunthar Middle Street, Tirunelveli Town, Tirunelveli District.

For Petitioner : Mr.P.Thiyagarajan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

Mr.H.Arumugam for R.5

COMMON ORDER

Heard both sides.

2.The writ petitioners herein apprehend dispossession on account of notice issued by the Revenue Divisional Officer under Disaster Management Act, 2005. In fact, the impugned notice itself is a fall-out of the order passed under Section 78 of the Hindu Religious and Charitable Endowments Act by



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the Joint Commissioner of HR&CE, Tirunelveli. All the writ petitioners herein filed appeals before the Commissioner of HR&CE questioning the eviction order passed by the Joint Commissioner. Any first appeal is a continuation of the original proceedings. The parties have availed their statutory right of appeal. In these circumstances, it would not be equitable to enforce the eviction order in the meanwhile.

3.We direct the Commissioner, HR&CE, Chennai to dispose of the appeals filed by the petitioners herein on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The rights of the petitioners herein will abide by the outcome of the appeals filed before the Commissioner. We make it clear that we have not gone into the merits of the matter. Contentions of both the parties are left open.

4.These Writ Petitions are disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
22.11.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

To

- 1.The District Collector,
Tirunelveli District.
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