



W.P.(MD).No.29450 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.29450 of 2024

and

W.M.P.(MD)No.24832 of 2024

S.Sameem Fathima

...Petitioner

Vs

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Dindigul District.

3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Dindigul District.

4.The Executive Officer,
Arulmigu Kalahastheeswarar Swami Temple,
Dindigul District.

... Respondents



W.P.(MD).No.29450 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, forbearing the respondents from dispossessing the petitioner from the shop bearing Door No.26, East Car Street, Dindigul District except according to the procedure established by law.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel For M/s.Ajmal Associates
For R-1 to R-3	: Mr.P.Subbaraj Special Government Pleader
For R-4	: Mr.V.Chandrasekar

ORDER

Heard Mr.M.Ajmal Khan, learned Senior Counsel for M/s.Ajmal Associates, for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for respondents 1 to 3 and Mr.V.Chandrasekar, learned counsel for 4th respondent.

2. This Writ Petition has been filed praying for a Mandamus, forbearing the respondents from dispossessing the petitioner from the



W.P.(MD).No.29450 of 2024

shop bearing Door No.26, East Car Street, Dindigul District without following the due process of law.

3. The learned Senior Counsel for the petitioner submitted that the petitioner is a tenant in the premises owned by the fourth respondent temple and has been regularly paying rent. However, the fourth respondent issued a notice to the petitioner, directing him to vacate the premises on the ground that the building is in a dilapidated condition, posing a danger to its occupants. Apprehending eviction without following due process, the petitioner has filed the present Writ Petition.

4. The learned counsel for the fourth respondent submitted that the building is in a precarious and dilapidated condition, posing a significant risk to the lives of its occupants, and hence, a notice was issued to the petitioner. He further submitted that it would be better if the petitioner vacates the premises voluntarily. He also undertakes that the petitioner would not be dispossessed without following the due process of law.



W.P.(MD).No.29450 of 2024

5. In view of the above, this Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioner without following the due process of law as contemplated under Section 34-D read with Section 78 of the Hindu Religious and Charitable Endowments Act. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.12.2024

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

To:

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Chennai.
- 2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Dindigul District.
- 3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Dindigul District.
- 4.The Executive Officer,
Arulmigu Kalahastheeswarar Swami Temple,
Dindigul District.



WEB COPY



W.P.(MD).No.29450 of 2024

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.29450 of 2024

06.12.2024