



WEB COPY



W.P.No.413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.413 of 2025 and
W.M.P.No.474 and 475 of 2024

R.Babu Ramachandran @ Shanmuganathan
Vs.

...Petitioner

1.The Commissioner
Hindu Religious And Chairtable Endowments Department,
Nungambakkam Chennai

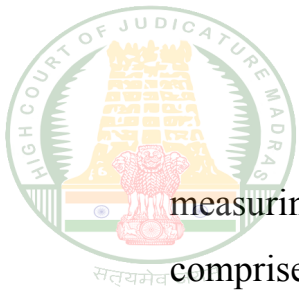
2.The Joint Commissioner
Hindu Religious And Charitable Endowments Department,
Nagapattinam

3.The Assistant Commissioner
Hindu Religious And Charitable Endowments Department,
Thiruvarur

4.The Executive Officer
A/m Renukadevi Amman Thirukoil,
Vijayapuram, Thiruvarur

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the reocrds realting to the impugned order dated 26.12.2024 made in Na.Ka. No 3050 - 5 / 2024 / E2 passed by the 3rd respondent, quash the same and consequently direct the respondents not evict the petitioner from the subject property



W.P.No.413 of 2022

measuring 5509 sq.ft, 113 sq.ft, 3791 sq.ft and 124 sq/ft respectively comprised in T.S. Nos 903/1, 903/2, 891/1 and 891/2 Ward No 3, Block No 22, Vijayapuram Thiruvarur Municipality, Thiruvarur District.

For Petitioner : Mr.R.T.Vishnu

For Respondents : Mr.N.R.R. Arun Natarajan
Special Government Pleader (HR & CE)

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed challenging the order passed by the 3rd respondent seeking to enforce the order of eviction passed against the petitioner by the 2nd respondent in a proceedings initiated under Section 78 of HR& CE Act.

3. It is not in dispute that eviction order has been passed by the 2nd respondent against the petitioner in a proceedings initiated under Section 78 of HR& CE Act. Challenging the same, the petitioner has filed a revision before the 1st respondent and the same is pending. In the meantime, the 3rd respondent



passed impugned order seeking to enforce the order of eviction. Aggrieved by the same, the petitioner has come before this Court.

WEB COPY

4. The learned counsel for the petitioner submits that while revision filed by the petitioner challenging the eviction order is pending before the 1st respondent, the 3rd respondent ought not to have passed the impugned order for enforcing the eviction.

5. Mr.N.R.R. Arun Natarajan, learned Special Government Pleader (HR & CE), who takes notice for the respondents, submits that the petitioner, apart from filing revision before the Commissioner/1st respondent, also filed a civil suit against the temple denying its' title. Therefore, he is not entitled to prosecute two remedies simultaneously. The learned Special Government Pleader(HR & CE) for the respondents also submits that he has no instructions regarding the fact that whether the petitioner sought for stay before the Commissioner.

6. In view of the fact that petitioner already challenged the eviction order before the 1st respondent, it is for him to seek necessary interim protection from the revisional authority. It is also represented by learned counsel for petitioner that his client has filed a petition before the 1st



W.P.No.413 of 2025

respondent seeking interim stay during pendency of revision. Therefore, this Court is not inclined to entertain this writ petition. However, the 1st respondent is directed to take up the stay petition allegedly filed by the petitioner and dispose of the same within a period of two weeks from the date of receipt of copy of this order. Till the disposal of the stay petition by the 1st respondent, the 3rd respondent shall not enforce the eviction order passed against the petitioner. In case, the petitioner has not filed any stay petition before the 1st respondent as represented by him before this Court, it is always open to the respondents to enforce the order of eviction.

7. With these clarifications, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

07.01.2025

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

nr

Note: Issue order copy on 20.01.2025.



WEB COPY

W.P.No.413 of 2022



To

- 1.The Commissioner
Hindu Religious And Charitable Endowments Department,
Nungambakkam Chennai
- 2.The Joint Commissioner
Hindu Religious And Charitable Endowments Department,
Nagapattinam
- 3.The Assistant Commissioner
Hindu Religious And Charitable Endowments Department,
Thiruvarur

S.SOUNTHAR, J.

5/6



WEB COPY



W.P.No.413 of 2025

nr

W.P No.413 of 2025 and
W.M.P.No.474 and 475 of 2025

07.01.2025