



W.P.No.7863 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7863 of 2025
and W.M.P.No.8848 of 2025

1. S.Sekar
2. S.Saraswathi .. Petitioners

Versus

1. The Joint Commissioner of HR & CE,
Uthamar Gandhi Salai, Chennai - 34.
2. The Assistant Commissioner of HR & CE,
Uthamar Gandhi Salai, Chennai - 34.
3. The Executive Officer,
Egambraeshwarar Temple,
Thanga Salai, Minit, Chennai - 600 003. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus to direct the 1st respondent to conduct enquiry in M.P.No.133 of 2022/E1 as per Sec.78 of Hindu Religious and Charitable Endowments Act, 1959.



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For Petitioners : Mr.B.Manoharan

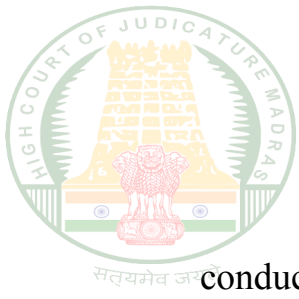
For Respondents : Mr.K.Karthikeyan,
Government Advocate (HR & CE)

ORDER

This Writ Petition is filed for a mandamus directing the first respondent to conduct an enquiry in M.P.No.133 of 2022/E1 as per Section 78 of the Hindu Religious and Charitable Endowments Act, 1959.

2. When the matter is taken up for hearing, the learned Government Advocate for the respondents would submit that already, enquiry is over and orders are reserved.

3. The learned Counsel for the petitioners would submit that the enquiry, as contemplated for passing an order of eviction under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, is not at all



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conducted and no proper opportunity is granted to the petitioners.

4. According to the respondents, the enquiry is completed and orders are reserved. If the petitioners complain that no opportunity is given to them or that any mandatory procedure is not complied, the same can only be a ground for attacking the final order if at all any adverse order is passed against the petitioner. At this stage, the Court cannot interdict. All the grounds raised in the Writ Petition are kept open for the petitioner to attack the final order that may be passed while filing the revision against the eviction order if any that is going to be passed against the petitioner.

5. With such liberty kept open to the petitioner, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Neutral Citation : no

<https://www.mhc.tn.gov.in/judis>



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To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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