



W.P.No.10095 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10095 of 2025
and
W.M.P.No.11340 of 2025

S.Ramarasu

... Petitioner

Vs.

1.The Commissioner
H.R. & C.E. Department
Chennai 34.

2.The Joint Commissioner
H.R. & C.E. Department
Tiruchirapali.

3.The Executive Officer
Brihadeeswarar Temple
Su.Aduddurai
Perambalur District.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, calling for the records of the third



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respondent vide proceedings dated 06.01.2025 and quash the same and to direct the respondents to collect the rent for lands and building comprised in S.No.29/6, 246/5, 6 and 11 in Keezha Permbalur Village, Kunnam Taluk, Permbalur District.

For Petitioner : M/s.B.N.Sivagama Sundari

For Respondents : Mr.K.Karthikeyan for R1 to R3
Government Advocate (HR & CE)

ORDER

This Writ Petition is filed challenging the notice dated 06.01.2025.

2. Heard M/s.Shivagama Sundari, the learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents.

3. The learned counsel for the petitioner would submit that the petitioner is in lawful occupation of the property. The petitioner is also duly



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paying all the rents. Therefore, the issue of such notice is totally uncalled for.

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4. Per contra, the learned Government Advocate would submit that it is only a reminder notice that is issued prior to taking of the lawful proceedings. The petitioner will be entitled to raise all the contentions as and when proceedings are taken under Section 78 of the Tamil Nadu Hindu Religious & Charitable Endowments Act and the authorities will consider the matter.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Admittedly, the property belongs to the Temple. The impugned order is nothing but a notice in the form of a request that is made to the petitioner to vacate and handover the property. If it is the case of the petitioner that the petitioner is in lawful occupation and that she need not vacate and handover the possession, the petitioner can always issue the reply



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thereon. If the respondents are not satisfied with the reply, they will always

initiate proceedings in the manner known to law and they are not going to disburse the petitioner except by due process of law. As and when such a show cause notice is issued under Section 78 of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959, the petitioner will be entitled to raise all the objections which will be considered by the respondents in the manner known to law. The possession can be taken only by following the due process of law.

7. Recording the above, this Writ Petition stands disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.03.2025
(1/2)

Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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