



W.P.No.11860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11860 of 2025

and

WMP.No.13422 of 2025

G.Sarala

... Petitioner

Vs.

- 1.The Joint Commissioner
Hindu Religious Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 050.
- 2.The Assistant Commissioner
Hindu Religious Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 050.
- 3.The Executive Officer
Arulmigu Somanathaswamy Temple
Sannithi Street, Kolathur
Chennai 600 099.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus or any other writ or any other order or direction or



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any way or in the form of writ from taking any coercive action as against the petitioner either by demolishing the super-structure or vacating them forcibly from No.2, Anna Satya Nagar, Paper Mills Road, Kolathur, Chennai 600 099 pending disposal of M.P.No.44 of 2022 on the file of Joint Commissioner, Enquiry Committee at Chennai and grant such other suitable orders.

For Petitioner : M/s.C.Umashankar

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

ORDER

The prayer in the Writ Petition is for a direction not to take any action against the petitioner by demolishing the super-structure or vacating them forcibly from No.2, Anna Satya Nagar, Paper Mills Road, Kolathur, Chennai 600 099.

2. Upon hearing the learned counsel appearing on behalf of the petitioner and the Government Advocate appearing on behalf of the respondents and perusing the affidavit filed in support of the Writ Petition and



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the material records of the case, it can be seen that the petitioner was a subtenant under a third party. Now eviction proceedings were taken under Section 78 of the Hindu Religious & Charitable Endowments Act, 1959.

3. Pending the same, the petitioner has also made a request that he is willing to become a tenant directly under the temple. His grievance is that request can also be considered and even pending the 78 proceedings is possession should not be disturbed.

4. When the matter came up for hearing, the learned Government Advocate would submit that already proceedings are initiated under Section 78 of the Act and only after the final orders, further activity of taking possession will be resorted to not pending the proceedings. If the petitioner takes a stand that he is also willing to become a tenant that will also be considered by the authorities in the manner known to law and it is for the authorities to consider and accept the same.



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5. In view thereof, recording the same that the petitioner will

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only be proceeded as per due process of law that is by passing an order under Section 78 of the Act and thereafter, initiating further proceedings and that the petitioner's request to become a tenant will also be considered in the process in accordance with law, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

03.04.2025

Neutral Citation : No
dna

To

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D.BHARATHA CHAKRAVARTHY, J.

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