



Writ Petition No.19158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19158 of 2025

and

W.M.P.No.21431 of 2025

K.Gunasekari
W/o.Kasthuriengan

Petitioner

Vs

1.The Commissioner,
H.R & C.E Department,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
H.R & C.E Department,
Nagapattinam - 611 003.

3.The Assistant Commissioner,
H.R & C.E Department,
Thiruvarur.

4.A/m.Piravi Maruntheeshwarar Swamy Temple
represented by its Executive Officer,
Thiruthuraipoondi & Taluk,
Thiruvarur District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the second respondent in M.P.No.464/2024/C.2 dated 21.03.2025 and quash the said proceedings.

For Petitioner : Mr.A.Muthukumar



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For Respondents : Mr.S.Ravichandran,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned notice issued by the second respondent dated 21.03.2025.

2. When the writ petition came up for hearing on 04.06.2025, this Court passed the following order:

"Mr.S.Ravichandran, learned Additional Government Pleader takes notice for the respondents.

2. The main ground that was raised by the learned counsel for the petitioner is that the impugned notice has been issued under Section 78(2) without complying with the mandatory requirement under Section 78(1) of the HR and CE Act. Learned counsel for the petitioner submitted that the petitioner and his predecessor-in-title were in possession of the property for a long period of time and all of a sudden, the impugned notice came to be issued by the second respondent.

3. Learned Additional Government Pleader appearing for the respondents seeks for some time to take instructions as to whether the mandatory requirement under Section 78(1) of the Act was complied with.

Post this writ petition at the end of the motion list on 25.06.2025. In the meantime, the impugned proceedings shall be kept in abeyance."

3. Heard Mr.A.Muthukumar, learned counsel for petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for respondents.



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4. The specific case of the petitioner is that the predecessor in title was in possession of the property over a long period of time and all of a sudden, the impugned notice came to be issued by the second respondent. That apart, the notice does not satisfy the mandatory requirement under Section 78(1) of the Hindu Religious and Charitable Endowment Act. In view of the same, the notice itself is vitiated and the same is liable to be interfered with by this Court.

5. In the light of the above, the impugned notice issued by the second respondent dated 21.03.2025, is hereby quashed. If the second respondent wants to initiate proceedings under Section 78 of the Hindu Religious and Charitable Endowment Act, the mandatory requirement has to be satisfied. On receipt of the notice, it is left open to the petitioner to work out the remedy in the manner known to law.

N.ANAND VENKATESH, J

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In the result, this writ petition is allowed in the above terms. No



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costs. Consequently, connected miscellaneous petition is closed.

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25.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Commissioner,
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Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
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Nagapattinam - 611 003.

3.The Assistant Commissioner,
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