



W.P.No.15139 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.15139 of 2025

and

W.M.P.Nos.17054 of 2025

S.SEKAR

... Petitioner

Vs

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.
4. THE EXECUTIVE OFFICER,
EGAMBRAESHWARAR TEMPLE,
THANGA SALAI,
MINIT,
CHENNAI - 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the Respondents not to disturb the petitioner peaceful possession and enjoyment of the leased property pending 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 Petitioner : Mr.Manoharan
For R1 to R4 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The prayer in the writ petition is not to disturb the petitioner's peaceful possession and enjoyment of the leased property, pending enquiry in M.P. No. 133 of 2022/E1, as per Section 78 of the Hindu Religious and Charitable Endowments Act, 1959.

2. Upon hearing the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents, it is seen that proceedings for the eviction of the petitioner from the subject matter land have already been initiated under Section 78 of the HR & CE Act, 1959 in M.P.No. 133 of 2022/E1. The petitioner has participated in the enquiry and it is stated that the orders have been reserved.

3. The contention made on behalf of the petitioner is that, without even passing the orders, the petitioner's possession is being interfered with.



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4. The learned Additional Government Pleader appearing for the respondents submits that orders will first be passed and only thereafter, any action will be taken. It is further submitted that the petitioner was merely cautioned because the building was in a dilapidated condition, and that is the reason the petitioner has approached this Court.

5. In view thereof, this writ petition is disposed of on the following terms:-

(i) An order shall be passed in M.P. No. 133 of 2022/E1 as early as possible and possession, if any, shall be taken or interfered with only based on the orders passed in M.P. No. 133 of 2022/E1.

(ii) Consequently, connected miscellaneous petition is closed. No costs.

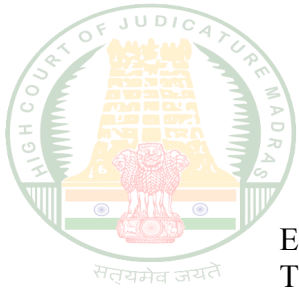
25.04.2025

Neutral Citation: Yes/No
nsl

To

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,

3/5



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EGAMBRAESHWARAR TEMPLE,
THANGA SALAI, MINIT,
CHENNAI - 600 003.

4. THE EXECUTIVE OFFICER,
EGAMBRAESHWARAR TEMPLE,
THANGA SALAI,
MINIT,
CHENNAI - 600 003.

D.BHARATHA CHAKRAVARTHY, J.



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