

W.P.No.18226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.05.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.18226 of 2025
and W.M.P.No.20410 of 2025

1.Shanthi

2.Kalavathy

3.Lalitha

4.Kottiswari

.. Petitioners

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
No.127, Yadava street, Gopal Nagar,
Padi, Chennai – 600 050.

3.The Executive Officer,
Arulmigu Gangadeeshwar Thirukovil,
No.131, Gangadeeshwar Kovil street,
Purasaiwakkam, Chennai – 600 084.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari calling for the records pertaining to



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the Impugned Order dated 07.02.2025, issued by the 3rd respondent by mentioning the proceedings of the 2nd respondent bearing Na.Ka.No.3120/2009/A2/dt 10.05.2017 and quash the same.

For Petitioners : Ms.D.Kamatchi

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

ORDER

The petitioner seeks for the following relief:

“to issue a Writ of Certiorari calling for the records pertaining to the Impugned Order dated 07.02.2025, issued by the 3rd respondent by mentioning the proceedings of the 2nd respondent bearing Na.Ka.No.3120/2009/A2/dt 10.05.2017 and quash the same.”

2.The petitioners state that they are in occupation of the property situated at Door No.38, Parthasarathy Mudali Street, Purasaiwakkam, Chennai. There is no dispute that this property belongs to Arulmigu Gangadeeshwar Thirukovil, Purasaiwakkam. The original lessee was one Rajammal, the grandmother of the petitioners.

3.Rajammal passed away and her son Kuppusamy had put up superstructure after removing the hut, which was then in existence. By

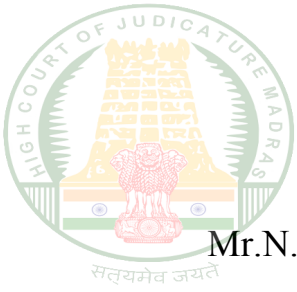


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lapse of time, the building became weak and therefore, the petitioners requested the respondents to permit them to renovate the same. The respondents did not accede to the request, but increased the rent for the property.

4.The cause of action for the present writ petition is that the 3rd respondent issued a notice on 07.02.2025, treating the petitioners as encroachers and called upon them to vacate and hand over the property within 15 days. The petitioners pleads that the 3rd respondent has no jurisdiction to pass the order and that no enquiry had been conducted under Section 78 of the HR & CE Act.

5.When the matter came up for hearing yesterday, Mr.N.R.R.Arun Natarajan, Special Government Pleader produced an order passed by the Joint Commissioner, HR & CE, Chennai, in நட.ந.க.எண்.3120/2009/அ2 dated 10.05.2017. He stated that the Rajammal has been arrayed as the respondent and eviction order has been passed by the Joint Commissioner on 29.05.2017. Ms.D.Kamatchi representing the petitioners stated that she was not aware of the order as it has not been served on the writ petitioners. Hence, I posted the matter today to enable



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Mr.N.R.R.Arun Natarajan to produce the acknowledgment card.

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6.When the matter was called, Mr.K.Karthikeyan, Government Advocate representing the respondents stated that there is no proof of the order having been served on the petitioners. An order which is passed and kept in file does not get the cloth of legality. It continues to be a mere paper. For an order to be effective, it should not only be passed, but it should also be communicated to the persons who has been affected by the said order. Further more, Mr.K.Karthikeyan adds that apart from the order of eviction, the petitioners have arrears to the tune of Rs.13,19,581/-.

7.In the light of the above discussion, I pass the following order:

(i)The petitioners are permitted to file a revision as against the orders passed in நட.ந.க.எண்.3120/2009/அ2 dated 10.05.2017, within a period of 30 days from today;

(ii)The 3rd respondent will not dispossess the petitioners if the petitioners deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) within a period of four (4) weeks from today;

(iii)Since the order has not been served on the petitioners, the 1st



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respondent shall entertain the revision without reference to limitation. In case it is filed within the time granted by this Court, the revision shall be disposed of within a period of four (4) months from the date of filing of the revision;

(iv) In case, the amount is not deposited as per the order, the respondents are free to proceed further in accordance with law.

8. In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

No costs.

16.05.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

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