



Writ Petition No.20908 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20908 of 2025

and

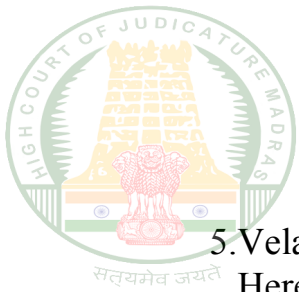
W.M.P.No.23623 of 2025

Saraswathi
W/o.N.T.Elango

Petitioner

Vs

- 1.The Commissioner,
HR & CE Department,
Officer of the Commissioner,
No.119, Uthamar Gandhi,
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner,
HR & CE Department,
64/2, Neela South Street,
Nagapattinam - 611 001.
- 3.The Assistant Commissioner,
HR & CE Department,
No.2, Mayiladuthurai Road,
Thiruvarur - 610 001.
- 4.The Executive Officer,
Arulmigu Thiyagaraja Swamy Thirukovil
Also Executive Officer of Annathana Kattalai,
At Arulmigu Thiyagaraja Swamy Thirukovil,
Thiruvarur - 610 001.



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5.Velakkurichi Aadhina Thirumadam,
Hereditary Trustee of Annathana Kattalai
attached to Arulmigu Thiyagaraja Swamy
Thirukovil - Thiruvarur, Thirupugalur,
Nagapattinam - 609 704.

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 third respondent impugned notice in Na.Ka.No.6237-5/2024/C.1 dated 30.05.2025 and quash the same as illegal.

For Petitioner : Mr.T.R.Sathiyamohan

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

ORDER

This writ petition has been filed challenging the notice issued under Section 79 of the Hindu Religious and Charitable Endowment Act, 1959, wherein the petitioner has been directed to vacate and handover possession of the property on or before 19.06.2025.

2. Heard Mr.T.R.Sathiyamohan, learned counsel for petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for respondents.

3. The case of the petitioner is that he is in possession and



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enjoyment of the property, which belongs to the Thiyagaraja Swamy Temple. The second respondent initiated proceedings under Section 78(2) of the Hindu Religious and Charitable Endowment Act, 1959 and a eviction notice was issued on 04.12.2024. The same was put to challenge by the petitioner before this Court in W.P.No.3399 of 2025. The writ petition was disposed of by directing the petitioner to raise all the objections before the second respondent. Pursuant to the same, the eviction order was passed on 04.02.2025 by the second respondent.

4. Aggrieved by the order passed by the second respondent, the petitioner filed a revision petition before the first respondent and the same is pending in R.P.No.29 of 2025. While so, the third respondent issued the eviction notice dated 30.05.2025, which has been put to challenge in the present writ petition.

5. It is not in dispute that the petitioner aggrieved by the eviction order passed by the second respondent has already filed a revision before the first respondent and the same is pending in R.P.No.29 of 2025. Hence, if the petitioner is evicted during the pendency of the revision petition, the revision itself will become infructuous. Therefore,



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the third respondent can lay off their hands till the revision petition is disposed of by the Commissioner.

6. In the light of the above discussion, the impugned notice dated 30.05.2025 issued by the third respondent under Section 79 of the Hindu Religious and Charitable Endowment Act, 1959, shall be kept in abeyance and there shall be a direction to the first respondent to deal with the revision petition in R.P.No.29 of 2025 on its own merits and in accordance with law after affording opportunity to the petitioner and final orders shall be passed within a period of eight (8) weeks. Subject to the final order passed by the first respondent, the third respondent can take a decision on the revival of the eviction notice issued under Section 79 of the Hindu Religious and Charitable Endowment Act, 1959.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
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To

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