



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21206 of 2025

WMP No. 23951 of 2025

P.Padma

Petitioner(s)

Vs

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

2.The Joint Commissioner
Hindu Religious And Charitable Endowments Department,
Combined Joint Commissioner Office,
Nagapattinam-611001

3.The Assistant Commissioner,
Hindu Religious And Charitable Endowments Department,
Combined Joint Commissioner Office,
Nagapattinam-611 001.

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 02.06.2025 passed by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Combined Joint Commissioner Office, Nagapattinam, the 2nd respondent herein in M.P. No.112 of 2025 on the grounds of violation of the principles of natural justice and to quash the same.

For Petitioner(s): Mr.P.Adhavan Seral

For Respondent(s): Mr.S.Ravichandran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 02.06.2025 under Section 78(2) of the the Hindu Religious and Charitable Endowments Act, wherein, the petitioner was directed to vacate and handover the premises, failing which, further proceedings will be initiated under Section 79 of the HR & CE Act.

2.The main ground that was raised by the learned counsel for the petitioner is that sufficient opportunity was not given to the petitioner and the



documents that were relied upon by the Assistant Commissioner was not even furnished to the petitioner in spite of several requests made by the petitioner.

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The learned counsel for the petitioner submitted that the order has been passed by the 2nd respondent in a hasty manner without following the procedure.

3. In the considered view of this Court, the documents presented by the 3rd respondent may not be relevant, since the burden of proof is upon the petitioner to establish that she is a tenant in the property which belongs to the temple. In the absence of any documents, the petitioner will only be construed as an encroacher. Therefore, instead of the petitioner insisting for documents from the 3rd respondent, the petitioner must first place the relevant document to establish her status as a tenant in the property. Therefore, this Court does not find any ground to interfere with the order passed by the 2nd respondent, since the 2nd respondent found that the petitioner was an encroacher.

4. The petitioner has an effective alternative remedy by way of filing a revision before the Commissioner of HR & CE under Section 21 of the Act.



Therefore, if the petitioner is aggrieved by the order passed by the 2nd respondent, it is left open to the petitioner to file a revision and workout her remedy in the manner known to law. Except giving this liberty, no further orders can be passed in this writ petition.

5.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

13-06-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssr



To
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No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

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Hindu Religious And Charitable Endowments Department,
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Nagapattinam-611001

3.The Assistant Commissioner,
Hindu Religious And Charitable Endowments Department,
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N.ANAND VENKATESH J.

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