



Writ Petition No.22342 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22342 of 2025

and

W.M.P.Nos.25161, 25166 & 25167 of 2025

S.Rajendiran
S/o.Sundaram

Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungampakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
No.8, River Street, Pudhupalayam,
Cuddalore - 607 001.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ariyalur - 621 704.

4.Arulmigu Markkapureeswarar Temple,
represented by its Inspector,
Hindu Religious and Charitable Endowments,
Ariyalur - 621 704.

5.Sellamuthu
S/o.Chinnapillai

Respondents

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Certiorari calling for the records leading to the impugned order in Se.Mu.Na.Ka.No.3051/2024/A4 dated 20.06.2024 on the file of second respondent and quash the same as illegal, arbitrary, non-application of mind and violation of principles of natural justice.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
[R1 to R4]

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 20.06.2024 wherein the second respondent has passed an order under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the Act'] directing the petitioner to vacate and hand over possession of the property within a period of thirty days failing which further proceedings will be initiated under Section 79(1) of the Act.

2. Heard Mr.J.Agni Selvaraju, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents 1 to 4.

3. The main grievance expressed by the learned counsel for the



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petitioner is that immediately after the order was passed by the Joint Commissioner under Section 78 of the Act, an appeal was filed before the first respondent on 22.07.2024. Thereafter, repeated representations were made and the appeal was not considered by the first respondent. The petitioner, therefore, wanted to withdraw the appeal and had sent a representation in this regard. According to the learned counsel for the petitioner, the first respondent is once again directing the second respondent to deal with the representation of the petitioner and it is under these circumstances, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioner has a right of appeal before the first respondent against the order passed by the second respondent under Section 78 of the Act. Hence, it is not appropriate for this Court to go into the various issues raised by the petitioner on merits and the same has to be presented before the first respondent to enable the first respondent to pass an order in the appeal. Hence, this Court is inclined to direct the first respondent to deal with the appeal filed by the petitioner and pass orders within the time frame fixed by this Court.

5. In the light of the above discussion, there shall be a direction



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to the first respondent to deal with the appeal filed by the petitioner under Section 21(6) of the Act on 22.07.2024 and deal with the same on its own merits and in accordance with law after affording opportunity to the petitioner and the fourth respondent and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

23.06.2025

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

To

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N.ANAND VENKATESH, J



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