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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP Nos. 24661, 24664, 24672 & 24673 of 2025
AND WMP NOs.27799, 27804, 27808 and 27812 OF 2025**

Chenchiraman

Petitioner in W.P.No.24661 of 2024

Guna

Petitioner in W.P.No.24664 of 2024

Gowri

Petitioner in W.P.No.24672 of 2024

B.Nagajothi

Petitioner in W.P.No.24673 of 2024

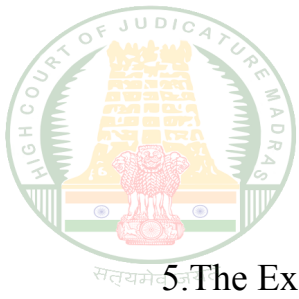
Vs

1. The District Collector
Thiruvallur District, Thiruvallur

2.The Tahsildar
Ponneri Taluk, Thiruvallur District

3.The Joint Commissioner
H.R And C.E. Department, Vellore

4.The Assistant Commissioner
Hr Ad Ce Department, Thiruvallur ,
Thiruvallur District



5. The Executive Officer

Arulmigu Balasubramaniasami

Thirukoil, Chennabedu Village,

Ponneri Taluk, Thiruvallur District

Respondents in all W.Ps

PRAYER in W.P.No.24661 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with notice in Na.Ka.No.1426/2011/A2/dated 23.6.2025 on the file of the 4th respondent and quash the same and forbearing the respondents 3 to 5 or their men or subordinates from disturbing or dispossessing of the petitioner in S.No.562 of premises bearing Door No.1, Vadakku street, Chinnambedu village, Ponneri Taluk, Thiruvallur District.

PRAYER in W.P.No.24664 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with notice in Na.Ka.No.1421/2011/A2/dated 23.6.2025 on the file of the 4th respondent and quash the same and forbearing the respondents 3 to 5 or their men or subordinates from disturbing or dispossessing of the petitioner in S.No.562 of premises bearing Door No.2/3, Melanda street, Chinnambedu village, Ponneri Taluk, Thiruvallur District.



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PRAYER in W.P.No.24672 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with notice in Na.Ka.No.1419/2011/A2/ dated 23.6.2025 on the file of the 4th respondent and quash the same and forbearing the respondents 3 to 5 or their men or subordinates from disturbing or dispossessing of the petitioner in S.No.562 of premises bearing Door No.2/2, Melanda Street, Chinnambedu Village, Ponneri Taluk, Thiruvallur District.

PRAYER in W.P.No.24672 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with notice in Na.Ka.No.1422/2011/A2/ dated 23.6.2025 on the file of the 4th respondent and quash the same and forbearing the respondents 3 to 5 or their men or subordinates from disturbing or dispossessing of the petitioner in S.No.562 of premises bearing Door No.2/4, Melanda Street, Chinnambedu Village, Ponneri Taluk, Thiruvallur District

For Petitioner(s): Ms.T.Gnana Banu
in all W.Ps

For Respondent(s): Mr.G.Velu
in all W.Ps Additional Government Pleader for R1 & R2
Mr.N.R.R.Arun Natarajan
Special Government Pleader for R3 to R5

**ORDER**

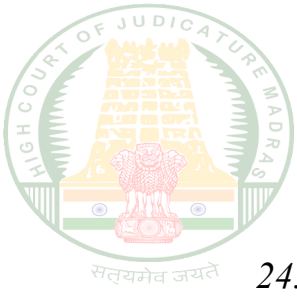
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All these writ petitions have been filed challenging the impugned notice dated 23.06.2025, issued by the 4th respondent and to forbear respondents 3 to 5 from disturbing and dispossessing the petitioners from the subject property.

2. When these writ petitions came up for hearing on 07.07.2025, this Court passed the following order:

Mr.G.Velu, learned Additional Government Pleader, take notice for respondents 1 and 2 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, takes notice for Respondents 3 to 5.

2. The only ground that has been taken in all these writ petitions is that the petitioners were not served with notices when proceedings were initiated under Section 78 of the Hindu Religious and Charitable Endowments Act (hereinafter called as the “Act”) and that apart, the petitioners were not aware of the order passed by the Joint Commissioner under Section 78 of the Act dated



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24.12.2012 and it was never served on them. The petitioners for the first time became aware of this order only when the impugned notice dated 23.06.2025 was issued by the 4th respondent under Section 79 of the Act.

3. The other ground that has been raised by the petitioners is that the subject property has been categorised as a “Vandi Pathai” in the revenue records and whereas, the temple is claiming to be the owner of the property.

4. The learned Special Government Pleader appearing on behalf of the respondents 3 to 5 shall produce the original records to establish that after the order was passed under Section 78 of the Act dated 24.12.2012 by the Joint commissioner, the same was communicated to the petitioners.

5. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 shall take instructions as to whether the subject property has been categorised as a “Vandi Pathai” and whether any communication has been sent to the petitioners considering to allot them with alternative accommodation.

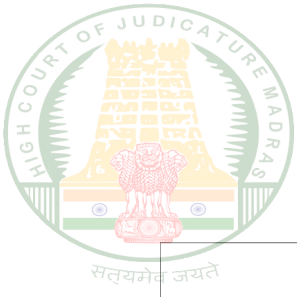


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6. Post these writ petitions at the end of the motion list on 16.07.2025. In the meantime, the present status quo shall be maintained.

3.Pursuant to the above order, the Tahsildar, Ponneri has submitted a report before this Court. The relevant portions are extracted hereunder:





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4.It is clear from the above that S.Nos.601/2 and 1290/2 stands in the name of Arulmigu Balasubramaniaswami temple. Insofar as the S.No.562 is concerned, it has been categorised as 'Vandi Pathai' and no one occupies this Vandi Pathai and this Vandi Pathai is located adjacent to the Kulakarai of the temple.



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5.The proceedings have been initiated under Section 78 of the HR & CE Act for occupation of the property in S.No.1290/2, which stands in the name of the temple.

6.The learned Special Government Pleader appearing on behalf of HR & CE Department produced the original records. On going through the same, it is seen that notices were issued to the petitioners at the time of the proceedings under Section 78 of the HR & CE Act. The order was passed under Section 78 of the HR & CE Act on 24.12.2012 and thereafter, the same was intimated to the petitioners.

7.The original records that were placed before this Court goes against the stand taken by against the petitioners as if they were never put on notice at any point of time and that they came to know about the order passed under Section 78 only to the impugned notice dated 23.06.2025 was issued by the 4th



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respondent. In other words, the petitioners have approached this Court with unclean hands. That by itself disentitles the petitioners from claiming any relief before this Court.

8.Considering the conduct of the petitioners, this Court was inclined to impose cost against the petitioners. However, considering the submissions made by the learned counsel for the petitioners, this Court restrains itself from imposing any cost.

9.In the result, all these writ petitions stand dismissed. No Costs. Consequently, connect miscellaneous petitions are closed.

16-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



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WP No. 24661 etc., of 2025

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To

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