



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

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THE HONOURABLE **Mr. JUSTICE N. ANAND VENKATESH**

W.P.No.25695 of 2025

D.Balu

.. Petitioner

.Vs.

1.The Commissioner
HR & CE Administrative Department
Chennai 600 034.

2.The Assistant Commissioner
HR & CE Administrative Department
Thanjavur.

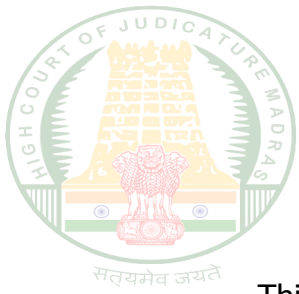
3.The Executive Officer
Arulmigu Palaivananatha Swamy Temple
Thirupaalaithurai
Paapanasam Taluk, Thanjavur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent in R.P.No.241 of 2022 D2 dated 28.05.2025 and quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Jayaraman

For Respondents : Mr.K.Karthikeyan
Government Advocate



ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 28.05.2025 in R.P.No.241 of 2022 under Section 21 of the Tamil Nadu HR & CE Act, 1959 (hereinafter referred as 'the Act')

2.Heard Mr.K.Jayaraman, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate for respondents.

3.The specific case of the petitioner is that the subject property originally belonged to a Muslim family and the petitioner's ancestors were in possession and enjoyment of more than 70 years. While so, proceedings were initiated under Section 78 of the HR & CE Act, to evict the petitioner. Revision was filed before the 1st respondent under Section 21 of the Act and the same came to be rejected through the impugned order dated 28.05.2025. The same has been put to challenge in the present writ petition.

4.In the considered view of this Court, if the petitioner is disputing the title in the subject property, the petitioner has to establish the title only before the competent Civil Court. Even otherwise there is an alternative already available under Section 114 of the HR & CE Act, to approach the Government and seek for the remedy. In this regard, the petitioner is granted 90 days to file revision before the Government. Therefore, it is



left open to the petitioner to exercise this remedy. This Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India. Liberty is granted to the petitioner to workout his remedy in accordance with law. The Registry is directed to return back the original impugned order passed by the 1st respondent dated 28.05.2025, to the learned counsel for the petitioner in order to enable the petitioner to file the revision before the Government.

5.This writ petition is disposed of in the above terms.

15.07.2025

Index : Yes/No
Neutral Citation : Yes/No
kp

Note to Registry:

The Registry is directed to return back the original impugned order passed by the 1st respondent dated 28.05.2025, to the learned counsel for the petitioner in order to enable the petitioner to file a revision before the Government.



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N. ANAND VENKATESH, J.

kp

To

- 1.The Commissioner
HR & CE Administrative Department
Chennai 600 034.
- 2.The Assistant Commissioner
HR & CE Administrative Department
Thanjavur.
- 3.The Executive Officer
Arulmigu Palaivananatha Swamy Temple
Thirupaalaithurai
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