IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26202 of 2025
and
W.M.P.No.29507 of 2025

V.Rajendran
S/o.Viswanathan

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,
Thiruvarur
Thiruvarur District

4.The Executive Officer,
Arulmighu Sri Thiagarajaswami Temple,
Tiruvarur,
Tiruvarur District.

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.363-5/2024/E2 dated 03.07.2025 and quash the same as illegal.

For Petitioner : Mr.V.Anandamurthy

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

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O R D E R

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 17.07.2025.

2. Heard Mr.V.Anandamurthy, learned counsel for petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents.

3. The case of the petitioner is that he is in possession and enjoyment of the property, which belongs to the Thiyagarajaswami 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 05.01.2024. Against the said notice, the petitioner preferred the revision before the 1st respondent under Section 21 of HR&CE Act, which was numbered as R.P.No.23 of 2024. While so, the third respondent issued the eviction notice dated 03.07.2025 which has been put to challenge in the present writ petition.

4. 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.23 of 2024. Hence, if the petitioner is evicted during the pendency of the revision petition, the revision itself will become infructuous. Therefore, the third respondent can lay off their hands till the revision petition is disposed of by the Commissioner.

5. In the light of the above discussion, the impugned notice dated 03.07.2025 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.23 of 2024 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.

17.07.2025

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

To

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N.ANAND VENKATESH, J

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