



W.P.No.33282 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 03.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33282 of 2025
and W.M.P.Nos.37425 & 37495 of 2025

G.Sundareswaran

... Petitioner

Vs

1.The Commissioner,
HR & CE Department,
Officer of the Commissioner,
No.119, Uthamar Gandhi,
Nungambakkam,
Chennai-600034.

2.The Joint Commissioner,
HR & CE Department,
Combined Joint Commissioner Office,
Nagapattinam,
Tamil Nadu-611 001.

3.The Assistant Commissioner,
HR & CE Department,
No.2, Mayiladuthurai Road,
Thiruvarur-611001.

4.The Executive Officer,
Arulmigu Thanga Ayyanar Temple,
Vijayapuram,
Thiruvarur District-610 001.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other writ or order, calling for the records of the 3rd respondent impugned notice in M.P.No.227/2025/C.2/dt. 17.07.2025 and quash the same as illegal.

For Petitioner : Mr.R.Sathiamoorthy
for M/s.SVV Law Firm

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader (HR & CE)
For R-1 to R-4

ORDER

Assailing the impugned notice dated 17.07.2025 issued by the 3rd respondent under Section 78(2) of the Tamilnadu Hindu religious and Charitable Endowments Act, 1959, the present Writ Petition has been filed.

2. Mr.S.Ravichandran, learned Additional Government Pleader (HR & CE) takes notice for respondents 1 to 4.

3. It is the case of the petitioner that the subject property comprised in Survey No.827/2F & 828 measuring an extent of 412 Sq.Ft situated in Ward No.3, Block No.20, No.51, Anna Salai, Vijayapuram, Thiruvarur Town & District belongs to the petitioner's father by way of sale deeds dated 24.06.2019 & 18.06.2019. After the demise of his father, the said property was legally inherited by the petitioner and other legal heirs. While being so, the 2nd



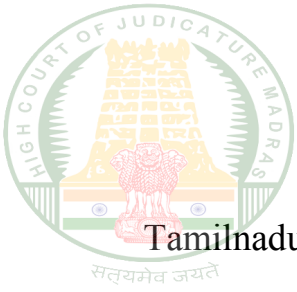
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respondent issued a show cause notice to the petitioner under Section 78(1) of WEB HR & CE Act stating that the petitioner has encroached the subject property belonging to Arulmigu Thangaayyanar Temple, Vijayapuram, Thiruvarur District and Taluk. Challenging the said notice, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner submits that petitioner's father is the absolute owner of the above property through his predecessors in title. Though it is claim of the respondents that the subject property belongs to the 4th respondent temple, there are no materials to substantiate the said claim. Further, the impugned notice which has been issued by the respondents is in violation of the mandatory provisions as contemplated under Section 78(1) of the Act thus the impugned notice suffers from error apparent and therefore, the same is liable to be set aside.

5. On the above contention, this Court heard the learned the Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Though the present Writ Petition has been filed challenging the issuance of show cause notice as against the petitioner under Section 78(2) of the



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Tamilnadu Hindu religious and Charitable Endowments Act, 1959, it has been

the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold and it is necessary for the petitioner to submit suitable explanation to the show cause notice. Therefore, the prayer sought for in the present Writ Petition cannot be entertained and this Writ Petition deserves to be dismissed.

7. In view of the above observation, the learned counsel for the petitioner sought permission of this Court to file appropriate civil suit before the competent civil court.

8. For the reasons aforesaid and considering the request made by the learned counsel for the petitioner, the Writ Petition stands dismissed with liberty to the petitioner to file appropriate civil suit before the competent civil court. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

03.09.2025

Index:Yes/No

Internet:Yes

Speaking/Non-Speaking order

Nhs



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M.DHANDAPANI, J.

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