



W.P.No.816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.816 of 2025 and
WMP No.1000 of 2025

1. A.Srinivasan
2. A.Ragothaman

... Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Villupuram, Villupuram District.

2. The Executive Officer,
Arulmigu Athulyanatheswarar Temple,
Kandachipura Taluk, Villupuram District.

3. The District Revenue Officer,

Villupuram District, Villupuram.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, forbearing the first respondent from proceeding further with the proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 against the petitioners in MP No.22 of 2022/AA2 on his file.



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For Petitioner : Mr.M.Elumalai

for Mr.S.Ayyathurai

For Respondents : Mr.N.R.R.Arun Natarajan,

Special Government Pleader for R1 and R2

Mr.S.Balamuruga, Govt.Advocate

for third respondent.

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus forbearing the first respondent from proceeding further with the proceedings initiated under Section 78 of HR & CE Act in M.P.No.22 of 2022.

2. It is the case of the petitioners that the land in S.No.176/B4 in Aragandanallur Village, Kandachipuram Taluk, Villupuram District was encroached by their grand father Natesan in the year 1965 and superstructure was put up for residential house. It is further stated by the petitioners that the superstructure put up by their grandfather does not belong to the second respondent. However, based on the UDR patta issued in favour of the second respondent temple, proceedings have been initiated against the petitioners under Section 78 of HR & CE Act seeking their eviction, by treating them as encroachers.



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3. The learned counsel for the petitioners submits that already the petitioners sent a representation to the revenue authorities for cancellation of patta issued in favour of the second respondent under UDR scheme and the said proceedings is pending before the District Revenue Officer. Therefore, the proceedings initiated by the first respondent for eviction of the petitioners shall be kept in abeyance.

4. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, who is taking notice for the respondents 1 and 2 would submit that as on today, the patta for the properties stands in the name of the second respondent and hence, the first respondent is entitled to initiate proceedings under Section 78 of the HR & CE Act seeking eviction of the petitioners.

5. The learned counsel for the petitioners submits that prior to the UDR scheme, the land was classified as ' Tharisu ' in the SLR and therefore, the land cannot be treated as the property of the second respondent. However, the petitioners have not produced the above said SLR prior to the UDR Scheme. The petitioners also appeared to have



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filed a suit for bare injunction against the second respondent and Revenue Authorities from interfering with their possession of the property. Merely because the petitioners filed a suit for bare injunction against the second respondent, the proceedings initiated under Section 78 of HR & CE Act cannot be stopped or kept in abeyance. Therefore, this Court is not inclined to entertain this writ petition. However, it is open to the petitioners to appear before the first respondent in the proceedings initiated under Section 78 of HR & CE Act and raise all their defense. The first respondent shall consider the points raised by the petitioners and dispose of the proceedings under Section 78 of HR & CE Act in accordance with law.

6. With the above direction, the writ petition stands disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

20.01.2025
(2/2)

Index:Yes/No
Internet:Yes/No
mst



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S.SOUNTHAR, J.

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