



WEB COPY

W.A.No.584 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.584 of 2025

and

Civil Miscellaneous Petition No.4696 of 2025

V.Venkatesan

... Appellant

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department (HR & CE),
No.119, Uttamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department (HR & CE),
ASN Colony,
Melakottai Vasal,
Nagapattinam.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department (HR & CE),
ASN Colony,
Melakottai Vasal,
Nagapattinam.



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4. The District Collector,
Collectorate,
Nagapattinam.

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5. Veerabadran

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act,
against the order dated 14.08.2024 in W.P.No.23240 of 2024.

For Appellant : Mr. S. Parthasarathy, Senior Counsel
For M/s.SVV Law Firm

For R1 to R3 : Mr. S. Ravichandran
Additional Government Pleader (HR & CE)

For R4 : Mr. E. Ranganayaki,
Additional Government Pleader

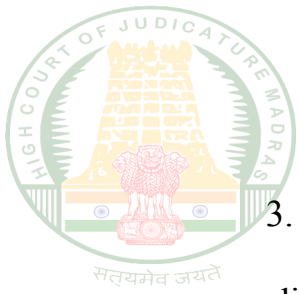
For R5 : Mr. K. M. Subramaniam

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The intra court appeal on hand has been instituted to assail the order
dated 14.08.2024 passed in W.P.No.23240 of 2024.

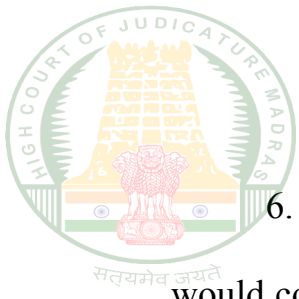
2. The fifth respondent in the writ proceedings is the appellant before
this Court.



3. Mr.Veerabadran/5th respondent in the present writ appeal filed writ proceedings for writ of mandamus to direct the official respondents to initiate eviction proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, and to remove the encroachment made by the fifth respondent in the temple property. Since no action has been taken by the competent authorities, the fifth respondent filed the writ petition.

4. The writ Court considered the fact that the temple properties are under encroachment and the complaint given by the fifth respondent has not been acted upon and issued a general direction to the competent authority of the HR & CE Department to conduct an enquiry regarding the encroachment and initiate action in to the temple property under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 by affording opportunity to the petitioner and conclude the same within a period of twelve (12) weeks from the date of receipt of a copy of the writ order impugned.

5. Though, the said order would not cause any serious prejudice, the appellant has chosen to prefer the writ appeal mainly on the ground that he is the owner of the subject property.



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6. The learned senior counsel appearing on behalf of the appellant would contend that the appellant is in possession of the property for several decades and the subject property does not belong to the temple.

7. The learned Additional Government Pleader (HR & CE) Department would oppose by stating that the property is an endowment and falling within the definition of religious institution. The authorities after verification initiated proceedings under Section 78 of the HR & CE Act and passed orders in proceeding dated 03.03.2025 asking the appellant to handover the possession of the property. In fact, final order has been passed under Section 78 of the HR & CE Act.

8. The learned counsel appearing on behalf of the fifth respondent/complainant would submit that the property belongs to endowment and it is a temple property and it belongs to the religious institution falling under the provisions of the HR & CE Act. The learned single Judge has directed the authorities to initiate proceedings under Section 78 of HR & CE Act. Thus, the writ appeal is to be rejected.

9. The writ Court has directed the authorities to initiate action under Section 78 of the Act, if they could able to identify that the subject property



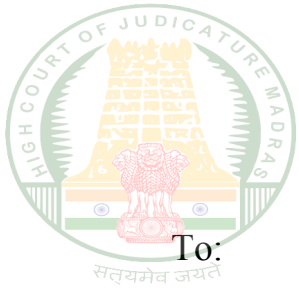
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is temple property falling within the ambit of HR & CE Act, then conduct an enquiry and pass final orders under Section 78 of HR & CE Act. That being so, the appellant has to prefer an appeal as contemplated under the provisions of HR & CE Act, so as to establish his right if any with reference to documents and evidences.

10. High Court cannot adjudicate the disputed issues relating to civil rights. All such adjudications are to be done under the provisions of the HR & CE Act and in the manner contemplated. When an efficacious alternate remedy is contemplated under the Act, the petitioner has to exhaust the same. Therefore, the present appeal is devoid of merits. Granting liberty to the appellant to approach the Appellate Authority under the Act, the present appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (K.R.S., J.)
04.03.2025

ssi
Index: Yes/No
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



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