



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.P.No.40621 of 2025

and

WMP.Nos.46125 & 46126 of 2025

S.Venkatesh

...

Petitioner

Vs.

1.The Joint Commissioner (Zonal)
Hindu Religious and Charitable
Endowment Department,
No.20, Chinnamuthu Street,
Perundurai Road, Erode.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Manickavasagar Colony,
Erode.

3.The Executive Officer,
Arulmigu Nageswarar Kulavilakku
Amman Thirukoil,
Nanjaikalamangalam, Mannathampalayam,
Modakkurichi Taluk, Erode District.

...

Respondents

PRAYER: The writ petition filed under Article 225 of Constitution of India to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Misc.Petition No.13/2025, dated 15.09.2025 and quash the same.

For Petitioner

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Mr.C.Prakasam

For respondents

...

Mr.K.Karthekeiyan

Govt. Advocate (HR & CE)



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ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner and the Mr.K.Karthekeiyan, learned Govt. Advocate (HR & CE) for the respondents / department.

2.The learned counsel for the petitioner would submit that despite the petitioner establishing that the predecessors in interest of the writ petitioner have been in physical possession and enjoyment of the subject property for over 200 years, without considering any of the evidence submitted by the petitioner, the respondents have now proceeded to pass final orders under Section 78 and as a consequence, the respondents are now threatening to forcibly dispossess the petitioner from the property. He therefore prayed for suitable interim orders.

3.Per contra, the learned Govt. Advocate would submit that pursuant to the final orders passed under Section 78, a revision is available to the Commissioner HR & CE under Section 21 and the said revision can be filed within a period of 90 days. Inviting my attention to the impugned orders dated 15.09.2025, he would contend that the petitioner has sufficient time to approach the Commissioner under Section 21. He would also state that since no revision is filed, the order has attained finality under Section 79. The authorities would issue notice under Section 79 before taking steps to forcibly dispossess the writ petitioner. Therefore, he states that the writ



petition is premature and not maintainable.

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4.I have carefully considered the submissions made by the learned counsel on either side.

5.I have also gone through the impugned order as well as Section 21 which, as rightly contended by the learned counsel for the respondents, enables the petitioner to move the Commissioner challenging the order of the Joint Commissioner dated 15.09.2025. Be that as it may, I find that the impugned order directs the Assistant Commissioner to proceed to take forcible possession under Section 79. I do not see that the impugned order contemplates any fresh notice to the petitioner.

6.In view of the above, the writ petition is disposed of in the manner following:

1. The order of the Joint Commissioner dated 15.09.2025 is confirmed.

2.The petitioner shall prefer a revision as provided under Section 21 of the HR & CE Act within a period of 8 weeks. Till such time, the respondents shall not take any steps to forcibly dispossess the petitioner.

3.Upon any revision being filed within the said period of 8 weeks, the Commissioner shall also consider any Interim



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application that they may be filed by way of urgent motion to protect the possession of the petitioner pending disposal of the revision.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No

03.11.2025

Internet: Yes/No

sms

To

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P.B. BALAJI, J.,

sms



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