



W.P.Nos.42825 and 42831 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**W.P.Nos.42825 and 42831 of 2025
and WMP Nos.47884 and 47891 of 2025**

P.Dayalan ... Petitioner in W.P.No.42825 of 2025

P.Samundeeswari ... Petitioner in W.P.No.42831 of 2025

VS

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vellore-9.

2. The Assistant Commissioner,
A/m. Lakshmi Narasimhaswamy Temple,
Sholingar Town and Taluk,
Ranipet District – 631 102

.. Respondents in both the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondents not to dispossess the petitioners from the property at Door No.5, Walaja Road, Sholingar Town and Taluk, Ranipet District without conducting enquiry in Section 78 Proceedings pending in Na.Ka.No.167/2013/E1 on the file of the first respondent following due process of law.



W.P.Nos.42825 and 42831 of 2025

For Petitioners : Mr.G.Hariharan

For Respondents : Mr.N.R.R.Arun Natarajan
Spl.G.P

COMMON ORDER

Heard Mr.G.Hariharan, learned counsel for the petitioners and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents.

2. It is the case of the petitioners that the petitioners were slapped notice under Section 78(2) of the Hindu Religious and Charitable Endowments Act, 1959 even in the year 2013 and they had approached this Court and filed writ petitions in W.P.Nos.23764 and 23765 of 2013 and the Division Bench of this Court by order dated 27.08.2013, directed the petitioners to appear before the first respondent and participate in the enquiry and further directed the first respondent to pass orders on merits and in accordance with law.

3. It is the specific case of the petitioners that though notice was



W.P.Nos.42825 and 42831 of 2025

WEB COPY

issued calling for an enquiry in 2016 and the petitioners also appeared before the first respondent on 23.08.2016, the enquiry did not go-head and the matter was adjourned and thereafter, because of Covid Pandemic also, no further enquiry was conducted. All of a sudden, the respondents have now chosen to issue a Notice dated 25.07.2025 calling upon the petitioners to come for an enquiry and according to the petitioners, the respondents are threatening the petitioners of physical dispossession, without even complying with the earlier directions of the Division Bench of this Court to dispose of the Section 78(2) proceedings in accordance with law.

4. The learned Special Government Pleader would submit that the enquiry proceedings under Section 78(2) of the Hindu Religious and Charitable Endowments Act, 1959 will be duly conducted as directed by the Division Bench of this Court in WP Nos.23764 and 23765 of 2013 and final orders shall be passed.

5. Accordingly, the proceedings under Section 78(2) of the Hindu Religious and Charitable Endowments Act, 1959 will be conducted and



W.P.Nos.42825 and 42831 of 2025

WEB COPY

final orders shall be passed on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. Till such time, no further independent proceedings shall be initiated against the writ petitioners.

7. It is made clear that pending the Section 78 Enquiry, the petitioners shall not alter the physical features of the property or create third party interest.

.

8. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.11.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
sr



WEB COPY



W.P.Nos.42825 and 42831 of 2025

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vellore-9.

2. The Assistant Commissioner,
A/m. Lakshmi Narasimhaswamy Temple,
Sholingar Town and Taluk,
Ranipet District – 631 102



WEB COPY



W.P.Nos.42825 and 42831 of 2025

P.B.BALAJI, J.

SI

W.P.Nos.42825 and 42831 of 2025

06.11.2025