



W.P.(MD) No.249 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.249 of 2025

and

W.M.P.(MD) No.205 of 2025

S.Iyem Perumal

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Palayamkottai,
Tirunelveli-627 002.

3.The Executive Officer,
Arulmigu Soundara Pandeeswarar Temple,
Melakaruvelankulam,
Nanguneri Taluk,
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, to forbear the 2nd and 3rd



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respondents from interfering into the petitioner's lawful activities of installing temporary iron plate compound wall as per the 3rd respondent's resolution dated 30.12.2013, on the petitioner's lease hold property in an extent of 22 cents in Survey No.690/18, Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District and consequently direct the 2nd and 3rd respondents to issue NOC for obtaining E.B. Service Connection in the name of 3rd respondent temple to commence the petitioner's business activities in the lease hold property in accordance with law.

For Petitioner : Mr.J.John
For RR1 & 2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.VR.Shanmuganathan

ORDER

The prayer in the writ petition is for a negative mandamus to forbear respondents 2 and 3 from interfering with the petitioner's right, pursuant to a resolution of the year 2013.

2. It has been brought on record that after the resolution of the year 2013, proceedings have been initiated against the petitioner under



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Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 by the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Tirunelveli and the third respondent herein. Such proceedings are pending on the file of the second respondent herein.

3. In such view of the matter, at present, the claim of the petitioner cannot be entertained by this Court. As and when the proceedings pending before the second respondent is concluded in favour of the petitioner, the petitioner is at liberty to approach this Court seeking for the relief.

4. Considering the fact that Section 78 proceedings are pending on the file of the second respondent as against the petitioner, the second respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Palayamkottai,
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K.KUMARESH BABU, J.

abr

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