



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2025**

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) Nos.1598 and 1599 of 2025
and
W.M.P.(MD) Nos.1146 and 1153 of 2025

E.Thoufeek

... Petitioner in W.P.(MD) No.1598 of 2025

S.Thabrees

... Petitioner in W.P.(MD) No.1599 of 2025

/vs./

- 1.The Commissioner of HR & CE,
Hindu Religious & Charitable Endowments Department,
119, Nungambakkam,
Chennai -34.
- 2.The District Collector,
Tirunelveli District.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Thoothukudi,
Thoothukudi District.



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4.The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Temple,
Tiruchendur,
Thoothukudi District.

5.The Tahsildar,
Palayamkottai,
Tirunelveli District.

... Respondents in both W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the Impugned Order in Na.Ka.Nos. 9497/2004-1/E3 and 9497/2004-2/E3 dated 09.01.2025 on the file of the Respondent No.4 and quash the same as illegal.

For Petitioner
in both W.Ps., : Mr.T.Aswin Raja Simman

For R1 & R3
in both W.Ps., : Mr.P.Subbaraj
Special Government Pleader

For R2 & R5
in both W.Ps., : Mr.J.K.Jeyaseelan
Government Advocate

For R4
in both W.Ps., : Mr.M.Muthugeethayan



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COMMON ORDER

The challenge in these writ petitions is to an order issued by the fourth respondent, who is the Executive Officer of Arulmigu Subramaniaswamy Temple, Tiruchendur.

2. The orders indicate that the petitioners have been in encroachment of the property and they had been called upon to deliver vacant possession. The orders further indicate that on their failure, the provisions of Section 78 of the HR & CE Act, 1959 would be invoked against them.

3. The learned counsel appearing on behalf of the fourth respondent would submit that this is the notice calling upon the petitioners to evict and hand over the possession and on failure of them to evict, the proceedings under Section 78 of the Act would be initiated and only thereafter, the petitioners would be evicted in the manner known to law.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that if the fourth respondent initiates proceedings by following



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the provisions of Section 78 of the Act, necessary proceedings would be initiated against the petitioners in accordance with law.

5. In view of the specific statements made by the learned counsel appearing for the fourth respondent, the Writ Petitions stand disposed of with a direction to the fourth respondent to initiate action as provided under Section 78(1) of the HR & CE Act, 1959. When the fourth respondent invokes the provisions of Section 78(1) of the Act, the appropriate authority shall submit a report within a period of 8 weeks thereafter and the third respondent on receipt of such report from the appropriate authority provided under Section 78(1) of the Act shall initiate action against the petitioners in accordance with Section 78(2) of the Act. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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