



W.P.(MD).No.2287 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.2287 of 2025

M.Tharmarajan

...Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai District.

2.The Executive Officer,
Arulmigu Madapuram Pathrakaliamman Temple,
Sivangani District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent to take necessary action to implement the order passed by the first respondent in the proceedings in Na.No. 2100/2024/A3, dated 28.10.2024, within stipulated time may be fixed by this Court.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For R-1 : Mr.P.Subbaraj
Special Government Pleader



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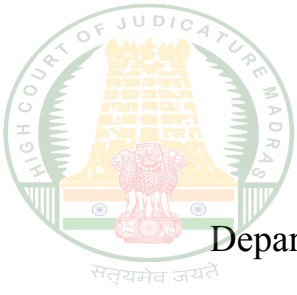
ORDER

Heard Mr.S.Ayyanar Prem Kumar, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the 1st respondent.

2. The Writ Petition is filed praying for a Mandamus, directing the second respondent to take necessary action to implement the order passed by the first respondent in the proceedings in Na.No. 2100/2024/A3, dated 28.10.2024.

3. Considering the fact that the first respondent has passed orders directing the Assistant Commissioner of HR and CE Department who is the Executive Officer of the Temple to initiate appropriate action on the complaint made by the petitioner for retrieving the land, it is imperative that such retrieval can only be made after initiating proceedings under Section 78 of the HR and CE Act by the first respondent.

4. In such view of the matter, the second respondent is directed to approach the jurisdictional Assistant Commissioner of HR and CE



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Department by filing a report regarding the lands that are in occupation by the third parties and on filing of such report by the second respondent, the jurisdictional Assistant Commissioner of HR and CE Department shall file a report before the first respondent within a period of eight weeks as mandated under Section 78(1) of the HR and CE Act. Thereafter, the first respondent shall proceed to conclude the proceedings under the said Act, within a period of six months from the date of receipt of the report.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

28.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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K.KUMARESH BABU, J.

Nsr

To:

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai District.
- 2.The Executive Officer,
Arulmigu Madapuram Pathrakaliamman Temple,
Sivangani District.

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