



W.P.(MD)No.3126 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3126 of 2025

and WMP (MD) No.2192of 2025

1. Lakshmi

2. Chitra

3. Geetha

4. Loganathan

: Petitioners

Vs.

1. The Commissioner,
Hindu Religious Cum Charitable
Endowment,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious Cum Charitable
Endowment,
Tiruppur.

3. The Assistant Commissioner,
Hindu Religious Cum Charitable
Endowment,
Karur.



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4. The Executive Officer,
Sri Balasubramanian Temple,
Kathapparai Village,
Vennaimalai Post,
Karur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from taking any further action in connection with notice in Miscellaneous Petition Nos.294/2024/A3, 343/2024/A3, 292/2021/A3, 341/2024/A3 issued by the 2nd respondent in accordance with law .

For Petitioners : Mr.D.S.Haroon Rasheed

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

for R1 to R3

Mr.P.Athimoolapandian for R4

ORDER

The petitioner has filed this Writ Petition seeking a mandamus, forbearing the respondents from taking any further action in connection with notice in Miscellaneous Petition Nos.294/2024/A3, 343/2024/A3, 292/2021/A3, 341/2024/A3, issued by the second respondent.



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2. When the matter was taken up for hearing today, the learned counsel on both sides, submitted that the issue involved in this writ petition is squarely covered by the order of this Court dated 31.01.2025, passed in W.P.(MD) Nos.25821 of 2024 etc., batch cases. The relevant portion of the order is extracted hereunder:

“2. As it was brought to the notice of this Court that in case of some of the petitioners, proceedings under Section 78 of the HR and CE Act is still pending consideration before the Joint Commissioner, Karur.

3. It is to be noted that the period of six months available under Section 79(2) of the HR and CE Act would start to kick in only if an order is passed under Section 78(4) of the Act. In such an event, those petitioners whose cases are pending enquiry would have a statutory right to file a suit after the disposal of the proceedings under Section 78 of the Act. If this order is to be applied to them, this Court restricts the period of limitation in filing the statutory appeal which cannot be permitted under law.



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4. Therefore, the order dated 22.01.2025 passed in W.P.(MD)Nos.25821 of 2024 etc., batch is restricted only to the cases where proceedings under Section 78 of the Act have been completed and orders under Section 78(4) of the Act had been passed and in respect of cases where possession had been taken over by the Department without initiating proceedings under Section 78 of the Act. In respect of the petitioners whose proceedings are pending, the said order cannot be applied and they will be at liberty to approach the civil court under Section 79(2) of the Act, after an order is passed under Section 78(4) of the Act.”

3. Admittedly, in the present case, the respondents have initiated eviction proceedings under Section 78 of the Tamil Nadu Religious and Charitable Endowment Act, 1959. In light of this and in accordance with the order dated 31.01.2025, the petitioners are at liberty to approach the civil court under Section 79(2) of the Act, after an order is passed under Section 78(4) of the Act.



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4. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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