



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM:

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

**W.P.(MD) Nos.2664 to 2667 of 2025**

**and**

**W.M.P.(MD) Nos.1877, 1878, 1883, 1885, 1905, 1906, 1882 and 1884 of 2025**

K.Vasantha

... Petitioner in W.P.(MD) No.2664 of 2025

A.Khader Maideen

... Petitioner in W.P.(MD) No.2665 of 2025

A.Nooral Sheikh

... Petitioner in W.P.(MD) No.2666 of 2025

N.Sonai

... Petitioner in W.P.(MD) No.2667 of 2025

/vs./

1.The Assistant Commissioner,  
Tamil Nadu Hindu Religious and Charitable Endowment Department,  
Madurai.

2.The Fit Person/Executive Officer,  
Arulmigu Periakathavarayan Temple,  
Vadakarai,  
Tirumangalam Taluk,



WEB COPY Madurai District.

... Respondents in all W.Ps.,

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 2nd respondent dated 08.01.2025 in proceedings Nil, quash the same, as the same is in excess of powers, contrary to Sec.78 of Tamil Nadu Hindu Religious and Charitable Endowments Act 22/1959, arbitrary, ultravires.

For Petitioners  
in all W.Ps., : Mr.R.G.Shankar Ganesh

For R1  
in all W.Ps., : Mr.P.Subbaraj  
Special Government Pleader

For R2  
in all W.Ps., : Mr.Ramesh Mahadev

**COMMON ORDER**

The prayer sought for in these writ petitions is to call for the records of the second respondent dated 08.01.2025 and to quash the same, as the same is in excess of powers under Section 78 of the HR & CE Act, 1959 (*herein after referred to as Act*).



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2. It is submitted by the learned counsel appearing for the second respondent that the action that is sought to be initiated against the petitioners is based upon the directions issued by this Court in W.P.(MD) No.28591 of 2023 dated 04.12.2023. A perusal of the said order would indicate that a third party had approached this Court seeking to consider his representation, where he had sought for appointment of Fit Person and also take action against the encroachments of certain lands specified in his petition.

3. In the said writ petition, it was submitted by the Assistant Commissioner/the first respondent herein that the representation of the petitioner therein was under effective consideration and recording the same, this Court had directed the disposal of such representation and shall ensure to restore the lands to its original position within a period of 6 months from the date of receipt of a copy of this order. It is the case of the learned counsel for the second respondent that during the course of enquiry, various other lands of the temple were found to be in encroachment and hence, the present notice has been issued by the Fit Person to the petitioner.



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4. Be that as it may, as per the provisions of Section 78 of the Act, if the Fit Person finds that there is an encroachment, he shall make a request to the jurisdictional Assistant Commissioner, who after verification of the report, shall file a further report before the jurisdictional Joint Commissioner under Section 78(1) upon which the jurisdictional Joint Commissioner shall take action against such encroachers indicated in the report. In the present case, pursuant to the directions issued by this Court, the Assistant Commissioner seems to have found that there has been encroachments in the temple lands apart from the land, which was covered under the said writ petition. In such view of the matter, the first respondent shall file his report to the jurisdictional Joint Commissioner and thereafter the jurisdictional Joint Commissioner shall proceed in accordance with law as per Section 78 of the Act.

5. With the aforesaid directions, the Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No  
Internet : Yes / No

**30.01.2025**



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To

The Assistant Commissioner,  
Tamil Nadu Hindu Religious and Charitable Endowment Department,  
Madurai.



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**K.KUMARESH BABU, J.**

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**W.P.(MD) Nos.2664 to 2667 of 2025**

**30.01.2025**