



W.P.(MD) No.2616 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.2616 of 2025
and
W.M.P.(MD) No.1850 of 2025**

N.Marimuthu

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur Circle,
Karur.
- 4.The Executive Officer,
Sri Balsubramaniya Temple,
Kathaparai Village,
Vennamalai Post, Karur Taluk & District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from taking further action with the Miscellaneous Petition Nos. 239/3 at Kathaparai Village, Vennamalai, Manmangalam Taluk, Karur District.

For Petitioner : Mr.Sri.Vanayagam

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

For R4 : Mr.P.Athimoola Pandian

ORDER

The writ petition has been filed forbearing the respondents from taking further action with the Miscellaneous Petition No.239/3 at Kathaparai Village, Vennamalai, Manmangalam Taluk, Karur District.

2. The provision of Section 78 of the HR & CE Act, 1959, empowers the Joint Commissioner to act upon the report of the jurisdictional Assistant Commissioner, if any encroachment is found in the temple land. Therefore, the impugned notices cannot be said to be without jurisdiction.



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3. In such view of the matter, I am not inclined to issue the directions as prayed for. The petitioner shall appear before the Joint Commissioner and contest his claim in the proceedings under Section 78 of the Act and if any adverse orders are passed, the petitioner can always challenge the same under Section 79(2) of the Act in the manner known to law.

4. The Writ Petition stands disposed of, with the aforesaid direction. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
mm

31.01.2025

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.

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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur Circle,
Karur.



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K.KUMARESH BABU, J.

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