



W.P.(MD)Nos.3928 and 3929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)Nos.3928 and 3929 of 2025

and

W.M.P.(MD)Nos.2853 and 2855 of 2025

M.Parthiban

... Petitioner in both the W.Ps.

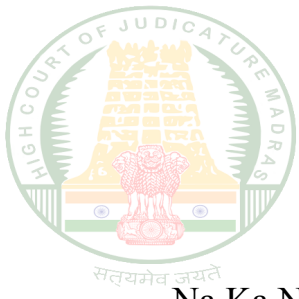
-VS-

The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundhareshwar Thirukovil,
Madurai.

... Respondent in both the W.Ps.

PRAYER IN W.P.(MD)No.3928 of 2025: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records in Na.Ka.No.1753/2022/E2.6, dated 26.12.2024, on the file of the respondent in respect of property bearing T.S.Nos.2112/2 and 2113, Sellur Ward No.10, Block No.49, Madurai North Taluk, Madurai District and quash the same as illegal, ultra vires, unconstitutional and without jurisdiction and without following the procedure contemplated under the statute.

PRAYER IN W.P.(MD)No.3929 of 2025: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records in



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Na.Ka.No.1753/2022/E2.5, dated 26.12.2024, on the file of the respondent in respect of property bearing T.S.Nos.2112/2 and 2113, Sellur Ward No.10, Block No.49, Madurai North Taluk, Madurai District and quash the same as illegal, ultra vires, unconstitutional and without jurisdiction and without following the procedure contemplated under the statute.

For Petitioner in both the W.Ps. : Mr.S.Ramesh

For Respondent in both the W.Ps.: Mr.VR.Shanmuganathan
Standing Counsel

COMMON ORDER

Heard Mr.S.Ramesh, learned counsel for the petitioner and VR.Shanmuganathan, learned Standing Counsel for the respondent.

2. Challenge to the Writ Petitions are the notices issued by the respondent dated 26.12.2024, calling upon the petitioner to remove the encroachment made by him in the property belonging to the Temple forthwith, failing which, appropriate proceedings under Section 79-C of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, would be initiated.



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3. When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondent would indicate that the notice could only be treated as pre-notices for initiation of proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, by the respondent and without complying such proceedings, the encroachment will not be removed.

4. Recording the above said submission, I do not find any reasons for adjudicating upon the issue. The possession of the petitioner shall be subject to the proceedings that may be initiated by the respondent, under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959.

5. With the above observations, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

14.02.2025



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To:-
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The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundhareshwar Thirukovil,
Madurai.



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VIVEK KUMAR SINGH, J.

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Common order in
W.P.(MD)Nos.3928 and 3929 of 2025

14.02.2025