



W.P.(MD)No.5357 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5357 of 2025

and WMP (MD) No.3927 of 2025

1. I.Wilson Anandaraj
2. S.Yesaiah
3. A.Annadurai
4. B.Noble Pravin
5. Y.Shakespeare
6. R.Sugapitha
7. P.Karl Marx
8. S.Willy Yesan

: Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,



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Thanjavur.
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3. The Executive Officer,
Arulmigu Vemmanayaki Amman Thirukovil,
Athanoor,
Peravoorani, Thanjavur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from illegally dispossessing the petitioners from S.F.No. 321 and 323 Peravoorani II Bit Village, Peravoorani Taluk, Thanjavur District without following the due process of law.

For Petitioners : Mr.A.N.Ramanathan

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 & R2
Mr.V.Chandrasekar for R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus, forbearing the respondents from illegally dispossessing the petitioners from S.F.No. 321 and 323 Peravoorani II Bit Village, Peravoorani Taluk, Thanjavur District without following the due process of law.

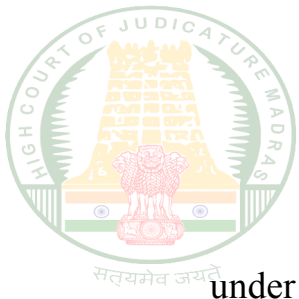


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2.The petitioners claim that an extent of 12 acres and 21 cents in S.F.No.321; 1 acre and 4 cents in S.F.No.323 of Peravoorani II-Bit Village, Thanjavur District, classified as “Temple Poramboke” in the Resettlement Proceedings. Fourteen years later, Mariappan, a self-claimed devotee and poosari, filed W.P.(MD).No.14949 of 2024 before this Court, for recovery of the properties. The petitioners were not made parties despite possessing the property. On 05.07.2024, this Court directed the HR & CE Department to consider Mariappan’s representation. Following this, the third respondent issued a legal notice on 02.09.2024, for the petitioners to vacate the property within 15 days. It is the further case of the petitioners that on 05.02.2025, the third respondent attempted forcible dispossession and therefore, the petitioners have filed the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of respondents 1 and 2 submitted that the subject property in question is classified as poramboke land, which is situated within the temple premises. The Temple is the absolute owner of the property. He further submitted that in the light of this, proceedings have been initiated



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under Section 78 of the Hindu Religious and Charitable Endowments (HR & CE) Act, which provides for the recovery of property belonging to the temple. The proceedings will be pursued strictly by following due process of law.

4. Upon careful consideration of the submissions made by both parties, it is incumbent upon the first respondent to deal with the issues raised in this matter in a fair and timely manner. Having regard to the fact that the proceedings under Section 78 of the HR & CE Act, has already been initiated and in the interest of justice, the first respondent is directed to pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

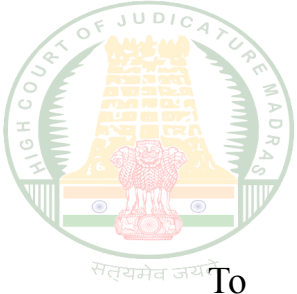
5. This writ petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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