



W.P.(MD)No.7273 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7273 of 2025

and WMP (MD) Nos.5483 & 5484 of 2025

1. Pitchaiammal @ Prema

2. Karpagam

3. Rajalakshmi @ Kaviya

4. Karuppasamy @ Visva

: Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai,
Sivagangai District.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Virudhunagar District.

3. The Executive Officer,
Arulmigu Venkatachalapathy Thirukovil,
Hindu Religious and Charitable Endowment,
Sattur, Virudhunagar District.

: Respondents



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PRAAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice in Na.Ka. No. 555/2017-1/Aa2 dated 27.02.2025 issued by the 2nd respondent and to quash the same as illegal and consequently direct the 1st respondent to dispose of the pending statutory appeal filed by the petitioners husband in Appeal No.40/2018.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Mr.K..S.Selvaganesan

Government Advocate for R1 & R2

Mr.P.Mahendran for R3

ORDER

Challenging the eviction notice dated 27.02.2025 issued by the second respondent, the petitioner has come forward with the present writ petition.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

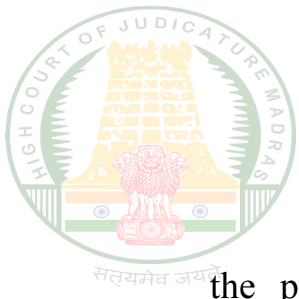


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3. The learned counsel for the petitioner submitted that the first petitioner's husband is occupying vacant land belonging to the HR & CE Department. On 26.08.2016, the third respondent issued a notice alleging that the petitioner's husband had constructed a two-story building. In response, the petitioner's husband filed a writ petition in WP(MD) No. 7241 of 2016, which was subsequently dismissed. Following this, the second respondent passed the present impugned eviction notice against the petitioner's husband. The learned counsel further submitted that the eviction notice, dated 27.02.2025, was issued in the name of the petitioner's husband, who had passed away on 22.08.2020. Therefore, the learned counsel argued that the eviction notice is liable to be set aside. Furthermore, the petitioner's husband has preferred an appeal before the first respondent and the same is pending without any consideration. Therefore, the learned counsel for the petitioner submitted that the appeal may be disposed of within a time frame as determined by this Court.

4. The learned Government Advocate, appearing on behalf of the respondents 1 and 2, submitted that the petitioner has outstanding arrears of over Rs.10 lakhs to the HR & CE Department. Furthermore,



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the petitioner, without obtaining any interim orders or paying the disputed rent amount, directly filed a statutory appeal, which is not sustainable. He further submitted that the appeal is not currently pending before the first respondent.

5. The learned counsel, appearing on behalf of the third respondent, submitted that the petitioner had previously filed a writ petition for the same cause of action, which was dismissed by this Court with costs. He further submitted that if at all the petitioner is aggrieved by the impugned notice, he should pursue the remedy of an appeal under Section 21 of the HR & CE Act, after settling the outstanding rent arrears.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Upon considering the above submissions and also considering the facts and circumstances of the case, this Court directs the petitioner to pursue the remedy of appeal under Section 21 of the HR & CE Act. However, the petitioner is directed to pay half of the disputed



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rent amount, which is approximately Rs.5 lakhs, as a condition precedent for filing the appeal, within a period of four weeks from today. Upon such payment, the appeal shall be considered and appropriate orders shall be passed on its own merits and in accordance with law, within one month thereafter.

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

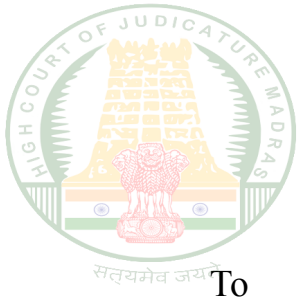
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Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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