

W.P.(MD)No.8007 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8007 of 2025
and
WMP (MD) No.6038 of 2025

Flora

: Petitioner

Vs.

1. The Additional Chief Secretary,
Government of Tamilnadu,
Tourism Culture and Religious Endowments
Department,
Secretariat,
Chennai - 9.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 34.

3. The Assistant Commisioner,
HR and CE Department,
Tirunelveli.

4. The Joint Commissioner,
HR and CE Department,
Tirunelveli.



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5. The Executive Officer,
Medaithalavai Kattalai,
Meenatchipuram,
Tirunelveli Junction,
Tirunelveli Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records of the impugned eviction notice issued against the petitioner by the 5th respondent dated 03.03.2025 and set aside the same as illegal.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader

ORDER

This writ petition has been filed challenging the eviction order dated 10.02.2025 passed by the second respondent and consequently, to forbear the respondents 3 and 4 from evicting the petitioner from the land in Survey No. 539/4, Ramapuram Village, Agastheeswaram Taluk, Kanniyakumari District.

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

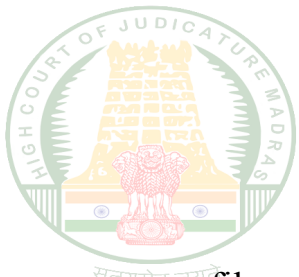


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3. The petitioner's case is that she has been a lessee of punja land measuring two acres in Survey No. 1790/3 since 05.06.1990, as per the lease executed by the fifth respondent. The petitioner's grievance is that the fifth respondent has refused to accept the rent since 2010, without providing any valid reason. Subsequently, the petitioner paid the arrears of rent through a Demand Draft dated 14.07.2022, however, the same was returned by the fifth respondent on 16.07.2022, with the explanation that the lease granted to the petitioner was cancelled by the fourth respondent through his proceedings dated 28.06.2022. Under these circumstances, the fifth respondent initiated proceedings under Section 78 of the Hindu Religious and Charitable Endowment Act to evict the petitioner. Challenging the same, the petitioner has filed the present writ petition.

4. In response, the learned Additional Government Pleader, appearing on behalf of the respondents, submitted that the petitioner has an adequate and effective alternate remedy under Section 21 of the TN HR & CE Act. The learned Additional Government Pleader further submitted that any person aggrieved by the proceedings has the right to



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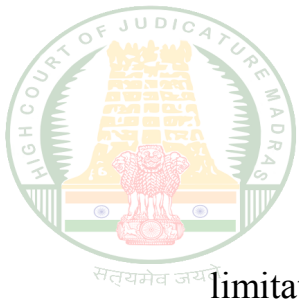
file an appeal before the appellate authority.

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

6. Upon considering the submissions made by both parties, it is observed that the petitioner has an effective alternative remedy available under Section 21 of the HR & CE Act, which provides for an appeal against the impugned eviction notice dated 03.03.2025 before the appellate authority. It is a settled principle of law that when an alternate remedy is provided by statute, a party must exhaust such remedy before seeking judicial intervention through a writ petition.

7. Accordingly, the Writ Petition stands disposed of, granting liberty to the petitioner to approach the appellate authority within a period of two weeks from the date of receipt of a copy of this order. In case, any such appeal is filed by the petitioner within a period of two weeks from today, the appellate authority shall entertain the appeal and pass appropriate orders on its own merits and in accordance with law within two months thereafter, without reference to the period of



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limitation. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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