



W.P.(MD) No.14981 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.14981 of 2025
and
W.M.P.(MD) Nos.11196 and 11199 of 2025**

P.Naresh Ambedkar

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli.
 - 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli.
 - 4.The Executive Officer,
Arulmigu Matha Angala Easwariamman Temple,
Palayamkottai,
Tirunelveli.
- ... Respondents



W.P.(MD) No.14981 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned notice issued by the 4th respondent dated nil and quash the same as illegal.

For Petitioner : Mr.T.Selvan

For R1 to R3 : Mr.SS.Madhavan
Additional Government Pleader

For R4 : Mr.H.Arumugam

ORDER

Mr.SS.Madhavan, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and Mr.H.Arumugam, learned counsel, takes notice for the fourth respondent.

2.The petitioner has challenged the impugned notice, calling upon the petitioner to vacate the premises on or before 06.05.2025.

3.The petitioner and his mother were earlier proceeded under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in O.A.No.17 of 2005, which culminated an order, dated 03.06.2009.



W.P.(MD) No.14981 of 2025

WEB COPY

4.The petitioner and his mother had successfully challenged the same before the Writ Court in W.P.(MD) No.5683 of 2009, which was allowed by the Writ Court, vide order dated 29.04.2014. However, the said order has been reversed by the Division Bench of this Court in W.A.(MD) No.1253 of 2019, dated 24.10.2019. Para 8 of the judgment of the Division Bench is extracted below:-

“8.In the light of the above, the writ appeal is allowed and the order passed in the writ petition is set aside and the legal heir of the first respondent / writ petitioner is directed to file an appeal before the Commissioner HR & CE, Chennai, within thirty [30] days from the date of receipt of a copy of this judgment. After such appeal is filed within the time permitted, the appellate authority shall entertain the appeal without rejecting the same on the ground of limitation. Since the first respondent / writ petitioner during her life time was in possession of the property and the fourth respondent continues to remain in possession, their possession would not be disturbed and the status quo prevailing shall be maintained till the disposal of the appeal by the Commissioner HR & CE. Considering the fact that proceedings were initiated in the year 2005, culminating an order under Section 78 in the year 2009 and the writ petition having been allowed in the year 2014, we request the Commissioner to expeditiously dispose of the writ petition preferably within a period of two [2] months from the date on which the appeal is entertained. Since, the Commissioner HR & CE is not a party in this writ petition, Registry is directed to mark a copy of this order to the Commissioner HR & CE Department, Chennai – 600 034. However, there shall be no order as to costs.”



W.P.(MD) No.14981 of 2025

WEB COPY

5. There is no indication that the petitioner has filed a statutory appeal as was permitted to be filed by the Division Bench in W.A.(MD) No.1253 of 2019.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3, on the other hand, would submit that on 05.05.2023, the petitioner was issued with a notice, asking upon him to furnish the details of the appeal that was to be filed pursuant to the aforesaid judgment of the Division Bench, dated 24.10.2019. It is submitted that the petitioner has not responded to the same and therefore, the impugned order has been passed.

7. It is noticed that the affidavit filed in support of the present writ petition is also bereft of details as to whether the petitioner has complied with the directions of the Division Bench, giving liberty to the petitioner to file a statutory appeal before the Commissioner.

8. Considering the same, I find no reason to interfere with the impugned notice, calling upon the petitioner to vacate the premises on or before 06.05.2025. Since the details are not available, the time is extended up to 16.06.2025 for the



W.P.(MD) No.14981 of 2025

WEB COPY

petitioner to produce the proof having complied with para 8 of the aforesaid judgment of the Division Bench in W.A.(MD) No.1253 of 2019, dated 24.10.2019.

9.In case, the petitioner has already filed an appeal, the impugned proceedings shall be kept in abeyance. In case, no appeal has been filed by the petitioner, the respondents shall proceed against the petitioner in accordance with law.

10.With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No

03.06.2025

Internet : Yes / No

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.

5/7



W.P.(MD) No.14981 of 2025

WEB COPY

- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
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W.P.(MD) No.14981 of 2025

C.SARAVANAN, J.

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W.P.(MD) No.14981 of 2025

03.06.2025