



W.P.(MD) No.15436 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.15436 of 2025
and
W.M.P.(MD) No.11670 of 2025**

Kanagasabapathy

... Petitioner

Vs.

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

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Dindigul.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department
Dindigul.

4. The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani
Dindigul District.



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5. The Revenue Divisional Officer,
Dindigul,
Dindigul District.

6. The Tahsildar,
Dindigul West Taluk Office,
Dindigul,
Dindigul District.

7. The Inspector of Police,
Reddiarchathiram Police Station,
Reddiarchathiram,
Dindigul.

... Respondents

PRAYER: Writ Petition 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 order passed by the third respondent in his proceedings in Na.Ka.No.3344/2022-1/A3, dated 23.05.2025 and quash the same as illegal an arbitrary and consequently, direct the respondents 2 to 7 herein do not interfere with the petitioner's peaceful possession and enjoyment of the property in survey No.598/1B1 to an extent of 60 cents, situated at Kothapuli Village, Dindigul West Taluk, Dindigul District.

For petitioner : Mr. G.Gomathisankar

For respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1 to R3
Mr.R.Murali
Standing Counsel for R4
Mr.K.R.Badurus Zaman
Government Advocate for R5 & R6



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Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R7

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3, learned Standing Counsel for the fourth respondent, learned Government Advocate for the respondents 5 and 6 and learned Government Advocate (Crl.Side) for the seventh respondent.

2. The case was heard for sometime at the time of admission. The case of the petitioner is that the petitioner has purchased the property comprised in Survey No.598/1B1, measuring an extent of 60 cents, *vide a* registered sale deed, dated 24.01.1999.

3. The records seems to indicate that the fourth respondent temple had filed O.S.No.96 of 1985 to evict the encroachers, which included the petitioner's predecessors and that the said suit came to be decreed on 20.06.1989. Pursuant to the aforesaid order, Execution Proceedings were also initiated and simultaneous proceedings under Section 78 of TNHR & CE Act, 1959 was also initiated against



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the petitioner by the Joint Commissioner/second respondent on 06.07.2023.

4. The petitioner had unsuccessfully challenged the same before this Court in W.P.(MD) No.12555 of 2024. The said Writ Petition was disposed of by giving liberty to file a revision under Section 21 of the TN HR & CE Act, 1959, which has been filed by the petitioner and has been number as R.P.No.280 of 2024.

5. The fourth respondent had, thereafter, proceeded to oust the petitioner from the petitioner's house wherein the petitioner also built a dwelling house. Under these circumstances, the petitioner approached this Court in W.P.(MD) No. 19138 of 2024. By an order, dated 07.08.2024, this Court had given a temporary relief to the petitioner not to evict the petitioner pending disposal of the stay application.

6. The learned Additional Government Pleader for the respondents 1 to 3 submits that the stay application filled by the petitioner has been dismissed on 03.02.2025, which fact has been suppressed by the petitioner. It is, therefore, submitted that there is no case made out for quashing the impugned notice, dated



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23.05.2025, as the issue stands concluded by the judgement and decree of the Sub Court, Dindigul, dated 20.06.1989 in O.S.No.96 of 1985 and by virtue of the order passed by the Joint Commissioner under Section 78 of TN HR & CE Act, 1959 on 06.07.2023, in respect of which a revision is pending before the Commissioner in R.P.No.280 of 2024.

7. The learned counsel for the petitioner, at this stage, submits that the petitioner has been dwelling in the house built on the aforesaid land and that the petitioner's daughter's wedding is to be solemnized in the month of July or August, 2025. Therefore, the petitioner may be given time up to 30.09.2025.

8. The statement of the learned counsel for the petitioner stands recorded. Therefore, on this ground also, the Writ Petition is liable to be disposed of by permitting the petitioner to stay on the subject property till 30.09.2025 and all other rights of the petitioner will be subject to final outcome of R.P.No.280 of 2024 pending before the Commissioner under Section 21 of the TN HR & CE Act, 1959.



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9. This Writ Petition is disposed of with the above observations. No costs.

Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No

apd

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C.SARAVANAN, J.

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