



W.P(MD)No.26764 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26764 of 2025

and

W.M.P.(MD)Nos.20756 and 20757 of 2025

Banumathi

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

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

3.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the



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1st respondent vide Miscellaneous Petition No.30/2025 dated 01.09.2025

and quash the same as illegal and consequently and restraining the respondents No.2 and 3 the vacating the House Building Property situated in Survey Number.953/1BK in D.No.3/157, West Street, Sankaralingapuram Village, hamlet of Ondipulinayakanur Village at Virudhunagar Taluk, Virudhunagar District.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.P.Subbaraj,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The first respondent had passed order under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 calling upon the petitioner to vacate and hand over possession of the petition mentioned premises. According to the respondents, the property in question belongs to a religious institution. The stand of the petitioner is that the religious institution has no title and that it belongs to her



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absolutely. The petitioner has to necessarily file a civil suit. This remedy is set out in Section 79(2) of the Act. It is seen that the writ petitioner has already filed O.S.No.106 of 2025 on the file of the Sub Court, Virudhunagar. The petitioner has also sought the relief of declaration and permanent injunction. The petitioner is permitted to seek amendment of the suit prayer so as to challenge the order impugned in this writ petition. The petitioner undertakes to file IA for amending the suit prayer. The IA shall be allowed by the Court below without any delay. Even though Section 79(3) of the Act states that no injunction shall be granted by any Court, where substantial title issues are involved, the Civil Court can very well grant an order of interim injunction. The petitioner is permitted to file an IA seeking interim relief in respect of the order impugned in the writ petition. The Court below shall dispose of the said IA on merits and in accordance with law within a period of two months thereafter. The order impugned in this writ petition shall not be enforced till the disposal of the interim application to be filed by the writ petitioner. The benefit of this order will not be available to the petitioner if amendment application and interim application as undertaken before this Court are not filed.



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3.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

25.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

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

3.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar.

Copy to:

The Sub Court,
Virudhunagar.



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G.R.SWAMINATHAN, J.

ias

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