

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 28.11.2025**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.34694 of 2025 AND
W.M.P.(MD)No.27417 of 2025

T.Selvaraj

... Petitioner

Vs.

1. The Joint Commissioner,
O/o.the Joint Commissioner,
Hindu Religious & Charitable Endowments
Department(HR&CE),
Sivagangai District,
Sivagangai.

2. The Assistant Commissioner,
O/o.the Assistant Commissioner,
Hindu Religious & Charitable Endowments
Department(HR&CE),
Paramakudi,
Ramanathapuram District,
Ramanathapuram.

3. H.R.Uyyarani,
Trustee,
Arulmigu Mottaiya Swami Temple,
Thirupuvanam,
Sivagangai.

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, to call for records



pertaining to the impugned order passed by the first respondent dated 06.11.2025 passed in M.P.No.8/2021 and quash the same as illegal.

For Petitioner : Mr.M.Arjun Varman,
for Mr.A.Manoj Kumar.

For R-1 & R-2 : Mr.P.Subbaraj,
Special Government Pleader.

For R-3 : Mr.R.G.Shankar Ganesh

* * *

ORDER

Heard both sides.

2. The petitioner has been visited with the eviction order passed under Section 78(4) of HR&CE Act. As against the said order, the petitioner has the remedy of filing statutory suit within six months. The petitioner however has to file declaration suit.

3. The petitioner informed the Court that within six weeks, he would file such declaration suit. Recording the said undertaking, it is directed that the impugned order shall not be enforced for a period



of ten weeks. The interim relief given by this Court would expire on the expiry of the ten weeks period. It is for the petitioner to obtain interim relief before the jurisdictional civil Court.

4. Even though there is a statutory bar, in such circumstances, interim relief can be granted in the suit. In ***W.P(MD)No.26764 of 2025 (Banumathi Vs. The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Madurai) vide order dated 25.09.2025***, I had held as follows:-

“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 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. ”

5. It is for the parties to work out their rights in the manner known to law. I make it clear that I have not gone into the merits of



the matter. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Joint Commissioner,
O/o.the Joint Commissioner,
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Department(HR&CE),
Sivagangai District,
Sivagangai.
2. The Assistant Commissioner,
O/o.the Assistant Commissioner,
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G.R.SWAMINATHAN,J.

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