



W.P.(MD)No.35560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.35560 of 2025

and

W.M.P.(MD).Nos.28219 and 28220 of 2025

D.Indira

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur.
3. The Executive Officer,
Arulmighu Kasi Vishwanatha Swamy Temple,
Pattukottai Town,
Pattukottai Taluk,
Thanjavur District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records pertaining to



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the impugned proceedings in M.P.No.02/2024/E2 dated 17.11.2025 on the file of the first respondent and quash the same.

For Petitioner : Mr.N.Dilip Kumar,
for Mr.P.Sudarkodinachiar

For R-1 &R-2 : Mr.J.K.Jayaselan,
Government Advocate

For R-3 : Mr.V.Chandrasekar

ORDER

This writ petition has been filed seeking to quash the impugned proceedings in M.P.No.02/2024/E2, dated 17.11.2025, passed by the first respondent.

2. Mr.J.K.Jayaselan, learned Government Advocate, takes notice on behalf of respondent Nos.1 and 2 and Mr.V.Chandrasekar, learned counsel takes notice on behalf of the third respondent.

3. By consent of both the parties, the main writ petition is taken up for disposal at the admission stage itself.



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4. The grievance of the petitioner is that though eviction proceedings were initiated and a final order came to be passed by virtue of the impugned proceedings, the petitioner had appeared before the authority and produced relevant documents. However, none of the documents were considered, which, according to the petitioner, amounts to violation of the principles of natural justice.

5. The learned counsel appearing for the third respondent would submit that the petitioner has an efficacious alternative remedy of challenging the eviction order before the Commissioner under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959.

6. The learned counsel appearing for the petitioner would submit that the documents produced by the petitioner were deliberately not considered. The learned counsel appearing for the third respondent, in reply, would submit that such issues can be adjudicated only by the Civil Court. It is further submitted that after passing of the impugned order, the petitioner has approached the Civil Court and filed a suit in O.S.No. 331 of 2025 before the concerned Civil Court.



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7. It is also brought to the notice of this Court that the petitioner has approached the Civil Court and claims to be in possession of valid documents from the year 1947 onwards and that he ultimately purchased the property in the year 2007 for valid consideration. It is further stated that the petitioner is carrying on business as a Doctor in an extent of 6,700 square feet. In view of the disputed questions relating to title, this Court is of the opinion that the same has to be adjudicated by the Civil Court.

8. Till the disposal of O.S.No.331 of 2025 by the concerned Civil Court, the respondents shall not disturb the possession of the petitioner. It is open to the parties to work out their rights before the Civil Court and subject to the outcome of the said suit.

9. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
TSG



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To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur.



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KRISHNAN RAMASAMY.J.,

TSG

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