



WEB COPY



W.P.No.23518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.23518 of 2024
and W.M.P.No.25727 of 2024

1.Haja Mohideen
2.Umma Salma

...Petitioners

Vs

1.The Executive Officer,
Arulmigu Ekambareswarar Thirukovil,
Aminjikai,
Chennai-29.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Chennai Division-2,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari, to call for the records of
the first respondent ending with Notice dated Nil and quash the same.



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For Petitioner : Mr.N.A.Nissar Ahamed
Senior Counsel
for Mr.I.Kowser Nissar

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The petitioners claiming that they are the absolute owners of the property in New No.720 (Old No.379), Poonamalle High Road, Aminjikarai, Chennai, having purchased the same under registered sale deed dated 12.01.1982 bearing Document No.101 of 1982 on the file of the Joint Sub-Registrar, Madras North from B.Kuppuswamy Mudaliyar, challenged the impugned eviction notice issued by the first respondent dated Nil.

2. It is the claim of the petitioners that the land belonged to Sri Ekambareswarar Devasthanam, Aminjikarai and the superstructure of the land belonged to one Balakrishna Mudaliyar. Devasthanam



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represented by the first respondent executed a sale deed dated 24.04.1974 to the said Kuppuswamy Mudaliyar who subsequently sold the superstructure of the said land to the petitioners vide Sale Deed dated 12.01.1982. A suit was also filed by the other legal heirs of the said Kuppuswamy Mudaliyar in O.S.No.3871 of 1986 against the petitioners and others for declaration and recovery of possession which culminated in A.S.No.217 of 2015 which came to be allowed in favour of the petitioners by judgment and decree dated 16.08.2019 and the said decree has also become final. It is further submitted by the petitioners that patta stands in the name of the petitioners and the proceedings now initiated by the respondents under Section 78 of the HR & CE Act ought to be set aside. It is also submitted that no notice has been served on the petitioners before issuing the impugned notice. Raising the aforesaid grounds, the petitioners challenged the impugned notice.

3. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents, who fairly submitted that Devasthanam represented by the first respondent



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executed the said sale deed dated 24.04.1974 which was registered as Document No.1825/1974 on the file of the Sub-Registrar, Sembiam, whereby, the land was sold by Devasthanam to Kuppuswamy Mudaliyar pursuant to the order of the Civil Court in E.A.Nos.33 and 35 of 1972 on the file of the Chief Judge, Small Causes Court and therefore, the property vested with Kuppusamy Mudaliyar was properly purchased by the petitioners by a sale deed dated 12.01.1982. Therefore, the respondents shall abide by any order passed by this Court.

4. Considering the facts and circumstances of the case and the fair submission made by the learned Special Government Pleader appearing for the respondents and also the fact that pursuant to the impugned notice dated Nil, whereby, the petitioners have called upon to pay a compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the first respondent on or before 24.07.2024, the petitioners have paid a sum of Rs.7,50,000/- to the first respondent to prove their bonafides, the impugned notice dated Nil issued by the first respondent is hereby quashed and the amount paid by the petitioner to the tune of Rs.7,50,000/-



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(Rupees Seven Lakhs Fifty Thousand only) to the first respondent shall be treated as donation.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

24-03-2026

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

To

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Aminjikai,
Chennai-29.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment
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M.DHANDAPANI, J.

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