

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.1017 of 2015

Sri Sathya Educational Cultural and Charitable Trust,
Represented by its Managing Trustee
Mr.PL.Purushothaman
No.9, Judge Chellapa Street, Poonamallee,
Chennai - 600 056.

...Petitioner

Versus

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madras -34.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Vellore -9.
- 3.The Executive Officer,
Arulmigu Vaitheeswaran and Thaiyal Nayagi Ambal Temple,
Poonamallee, Chennai - 600 056.
- 4.The Hereditary Trustee,
Arulmigu Vaitheeswaran and Thaiyal Nayagi Ambal Temple,
Poonamallee, Chennai - 600 056.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents to consider the petitioner Trust representation dated 26.11.2014 to regularize their possession by way of direct lease of the land as per the Government Order 340/2007 dated 6.8.2007 of the Tamil Development Religious and Charitable Endowments and Information Department Tamil Nadu.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.S.Kandasamy
Spl.Govt.Pleader for R1 to R3

O R D E R

The petitioner Trust seeks for a direction to the respondents to consider their representation dated 26.11.2014 to regularize

their possession by way of direct lease of the land as per the Government Order 340/2007 dated 6.8.2007 of the Tamil Development Religious and Charitable Endowments and Information Department Tamil Nadu.

2. The first respondent, in the writ petition is the Joint Commissioner, HR & CE Board and he is not the competent authority to consider the petitioner's request for grant of lease of land owned by the 4th respondent Temple. Further more, there is no vested right for the petitioner to claim such lease and it is for the Department to consider the same. Unless and until, the Commissioner HR & CE grants approval, no lease can be granted. Since the petitioner has approached the wrong authority, no writ of mandamus as sought for can be issued.

3. Hence, the writ petition stands dismissed. However, liberty is granted to the petitioner to file fresh representation before the Joint Commissioner, HR & CE, Vellore through proper channel i.e, through Executive Officer of the concerned Temple. On such application being made, the authority concerned shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

svki

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madras -34.
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Hindu Religious and Charitable Endowment Board,
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4.The Herditary Trustee,
Arulmigu Vaitheeswaran and Thaiyal Nayagi Ambal Temple,
Poonamallee, Chennai - 600 056.

1 cc to Sp.G.P. (HR & CE), Sr. 2615

1 cc to Mr. V. Manohar, SR. 2433

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