

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

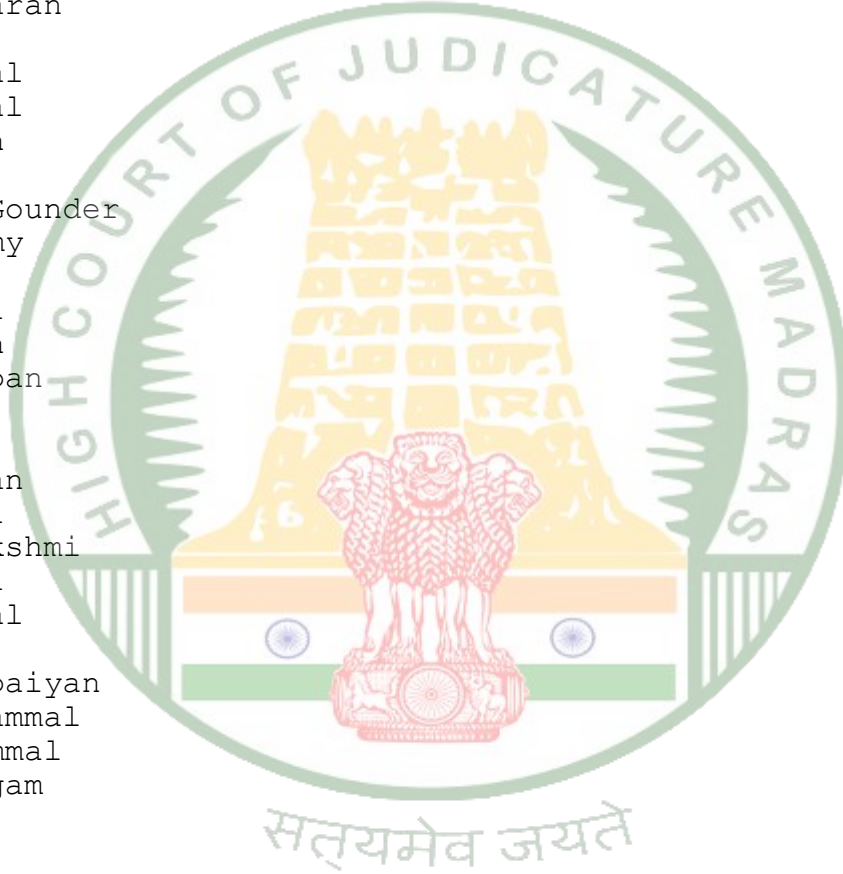
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.21243 of 2015

and M.P.Nos.1 and 2 of 2015

- 1.Madheswaran
- 2.Ammasi
- 3.Muthammal
- 4.Veerammal
- 5.Krishnan
- 6.Raji
- 7.Chinna Gounder
- 8.Kuppusamy
- 9.Natesan
- 10.Anandhi
- 11.Arjunan
- 12.Dhanappan
- 13.Rajesh
- 14.Palani
- 15.Govindan
- 16.Rukmani
- 17.Jayalakshmi
- 18.Lakshmi
- 19.Salammal
- 20.Saroja
- 21.Chinnapaiyan
- 22.Vellaiammal
- 23.Chellammal
- 24.Shanmugam
- 25.Elango
- 26.Raja
- 27.Krishnan
- 28.Chinnagounder
- 29.Madhesh
- 30.Annamalai
- 31.Anandhayee
- 32.Mani



WEB COPY

...Petitioners

-Vs-

- 1.The Commissioner,
Hindu Religious and Charitable Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Department,
Salem-636 001.

3.The Assistant Commissioner/Executive Officer,
Arulmigu Sugavaneshwarar Swamy Thirukovil,
Salem Town and Taluk,
Salem-636 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice of the 3rd respondent dated 08.07.2015, quash the same and consequently direct the respondents to regularise the petitioner's tenancy with the 3rd respondent temple forthwith.

For Petitioners : Mr.N.Anand
For Respondents : Mr.M.L.Mahendran,
Government Advocate (H.R. and C.E.)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners would state that property comprised in S.No.126/2 and other survey numbers situate at Alagapuram Pudhur, Kutta Street, Salem-16 belongs to the third respondent temple and for time immemorial, the predecessors of the petitioners as well as the petitioners are residing in the said place and are issued with ration card, electricity service connection and other basic amenities. It is further stated by the petitioners that the third respondent temple has filed an application under section 81 of the Hindu Religious and Charitable Endowment Act, 1959 (H.E. & C.E. Act), treating the petitioners as encroachers and to vacate and handover possession and vide order dated 09.12.2013, the petitioners were called upon to deliver vacant possession. It is also stated by the petitioners that as per G.O.Ms.No.340, Tamil Development, Endowments and News (A.Ni.4-2) Department dated 06.08.2007, persons who are under long possession and enjoyment of the house sites and houses under the control of the H.R. & C.E. Department, can get their possession and enjoyment regularised subject to the condition that they should become tenants and have to pay monthly rent. The petitioners, in this regard, submitted a representation dated 07.02.2014 for regularizing their possession and pendency of the same, urgent steps are being taken to evict the petitioners in terms of the notice dated 08.07.2015 and hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioners would submit that in similar facts and circumstances, this Court, vide

order dated 10.07.2015 made in W.P.No.20869 of 2015, has permitted the petitioners to invoke the revisional jurisdiction by filing a revision under Section 21 of the H.R. & C.E. Act with a further direction to dispose of the same within the stipulated time and prays that the same benefit may be extended to the petitioners also.

4. Heard the submissions of Mr.M.L.Mahendran, learned Government Advocate (H.R.& C.E.), who accepts notice for the respondents.

5. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to file a revision petition under Section 21 of the H.R. & C.E. Act within a period of two weeks from the date of receipt of a copy of this order along with a stay petition and on receipt of the same, the first respondent shall entertain the revision petition as well as the stay petition, if the papers are otherwise in order, without putting limitation as an issue and pass orders in the revision petition itself or in the stay petition within a period of eight weeks from the date of filing of the revision petition and till then, both parties shall maintain Status Quo as exists today.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

- 1.The Commissioner,
Hindu Religious and Charitable Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Department,
Salem-636 001.
- 3.The Assistant Commissioner/Executive Officer,
Arulmigu Sugavaneshwarar Swamy Thirukovil,
Salem Town and Taluk,
Salem-636 001.

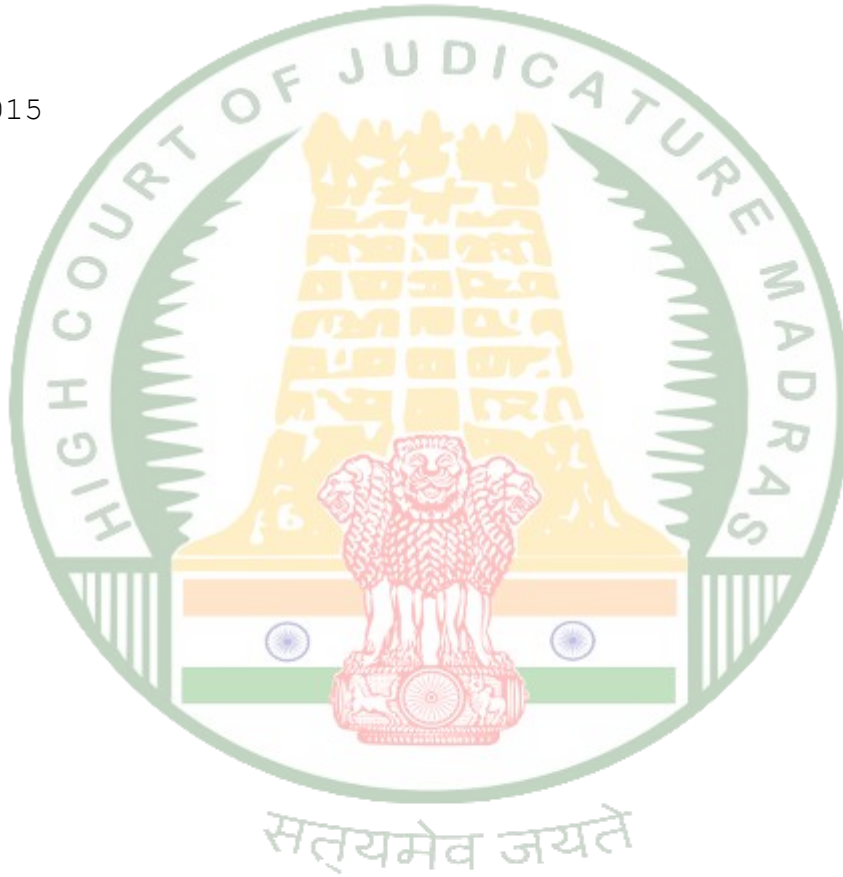
+1 cc to the Special Government pleader (HR &CE)
high court chennai-104

+1 cc to the Government Pleader high Court, Chennai-104

+1 cc to Mr.N.Anand Advocate sr.35967

W.P.No.21243 of 2015

aa28/07/2015



WEB COPY