

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23113 of 2015

S.Thiagarajan

... Petitioner

Vs.

1 The Commissioner
Hindu Religious and Charitable Endowments
Nungambakkam High Road Chennai-600 006.

2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Mylapore Chennai-600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner representation dated 06.07.2015 in the light of 1st respondent communication dated 21.04.2015 within a reasonable time as this Honourable Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.L.Mahendran
Government Advocate (HR & CE)

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner is a resident of door no.01/120, Anna Pillai Street, Sowcarpet, Chennai - 600 079 and he submitted a representation dated 06.07.2015 to the first respondent, stating among other things door no.47 is the adjacent property and it belongs to Arulmigu Kandasamy Kovil and Muthukumarasamy Devasthanam, Chennai - 600 003 and it is in a dilapidated condition and it is likely to fall down and in the event of the building falling down, the premises in which the petitioner is residing is also likely to be affected and since he has not been favoured with any kind of response, came forward to file this writ petition.

3.Mr.M.L.Mahendran, learned Government Advocate (HR & CE) who accepts notice on behalf of the respondents would submit that the fit person of Sri Muthukumarasamy Devasthanam, No.44, Rasappa Chetty Street, Chennai - 600 003 has addressed a letter to the second respondent stating among other things that the occupant of the premises namely, R.Rukmani is an un-authorised occupant and steps are being taken under Section 78 of the Hindu Religious and Charitable Endowments Act.

4.This Court heard the rival submissions and also perused the materials placed before it.

5.The petitioner has also marked a copy of the representation dated 06.07.2015 to the second respondent and in the light of the letter of the fit person of the above said Devasthanam dated 24.07.2015, the second respondent is directed to consider the representation of the petitioner dated 06.07.2015, on merits and in accordance with law after putting on notice the fit person/ Assistant Commissioner of Sri Muthukumarasamy Devasthanam, No.44, Rasappa Chetty Street, Chennai - 600 003 as well as Tmt. R.Rukmani, alleged occupant of door no.47, Anna Pillai Street, Sowcarpet, Chennai - 600 079 and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the above said persons.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1 The Commissioner
Hindu Religious and Charitable Endowments
Nungambakkam High Road Chennai-600 006.

2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Mylapore Chennai-600 006.

+1cc to the Government Pleader SR 39432
+1cc to Mr.S. Sivakumar Advocate SR 39695

W.P.No.23113 of 2015

SVL (CO)
Rs 13.08.2015