

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.2921 to 2925/2015

N.Karthikeyan .. Petitioner in
WP.No.2921/2015

T.Thangavelu .. Petitioner in
WP.No.2922/2015

V.Jagadesan .. Petitioner
in WP.No.2923/2015

L.Mohan Jude Raj ... Petitioner
in WP.No.2924/2015

P.Marimuthu ... Petitioner
in WP.No.2925/2015

Versus

1.The Commissioner
Hindu Religious & Charitable Endowment
Mahatma Gandhi Road, Nungambakkam
Chennai-34.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Dr.Balasundram Road, Coimbatore-18.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Dr.Balasundaram Road, Coimbatore-18.

4.The Executive Officer
In-charge of Arulmigu Sakthi Mariyamman
Plauge Mariamman Temple, Sowripalayam
Coimbatore-28. .. Respondents
in all the writ petitions.

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 to consider the representations dated 13.11.2014 and 24.12.2014.

For Petitioner in all
the writ petitions : Mr.C.D.Johnson

For Respondents in all
the writ petitions : Mr.S.Kandasamy, Spl.GP
[HR&CE]

COMMON ORDER

Heard Mr.C.D.Johnson, learned counsel for the petitioners and Mr.S.Kandasamy, learned Special Government Pleader [HR&CE] appearing for the respondents and with their consent, these writ petitions are disposed of at the admission stage itself. Since the issue involved in the writ petitions is one and the same, the above petitions are disposed of by the following common order.

2.The petitioners seek for issuance of a writ of mandamus to direct the respondents to consider their representations dated 13.11.2014 and 24.12.2014.

3.The petitioners are the lessees of the lands owned by the 4th respondent/Temple. Admittedly, the lease period has already expired and the petitioners were bound to vacate and hand over the possession. However, the petitioners failed to hand over the possession. Therefore, the Executive Officer of the temple initiated proceedings under section 78 of the Tamil Nadu Hindu Religious & Charitable Endowment Act. The petitioners have been afforded full opportunity ; they have filed their counter affidavits and let in oral and documentary evidence and also cross-examined the department witnesses. The enquiry in the petition is already over and orders are to be passed by the Joint Commissioner on 10.02.2015. In the interregnum, the petitioners have filed the above writ petitions stating that the Commissioner should extend the lease period.

4.It is pointed out by the learned Special Government Pleader [HR&CE] that the petitioners have filed civil suits before the Civil Courts concerned and no interim orders were obtained by them. The petitioners have also filed Rent Control Original Petitions, which are not maintainable before the Court.

5.In the light of the fact that already proceedings have been initiated u/s.78 of the Act and the entire proceedings are over and orders are to be passed, at this juncture, the question of directing the respondents to consider the petitioners' representations does not arise. The prayer sought for in these writ petitions are thoroughly misconceived. Hence, the writ petitions are dismissed. However this will not prevent the petitioners from working out their representations in the manner

as contemplated under the Hindu Religious & Charitable Endowment Act, after the orders are pronounced by the Joint Commissioner in the proceedings initiated under section 78 of the Act. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Commissioner
Hindu Religious & Charitable Endowment
Mahatma Gandhi Road, Nungambakkam
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Dr.Balasundram Road, Coimbatore-18.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Dr.Balasundaram Road, Coimbatore-18.
- 4.The Executive Officer
In-charge of Arulmigu Sakthi Mariyamman
Plauge Mariamman Temple, Sowripalayam
Coimbatore-28.

5 ccs to M/s.C.D. Johnson, Advocate, Sr. 6335 to 6339

2 ccs to Government Pleader, Sr. 6777 & 6778

WP.Nos.2921 to 2925/2015

CA (CO)

kk 21/2

WEB COPY