

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 37840 of 2015

S. Thanigaivel

..Petitioner

Vs.

1. State of Tamil Nadu,
rep. by the Secretary to Govt.,
Commercial Taxes and Hindu
Religious and Charitable
Endowments Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Mahathma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

3. The Joint Commissioner,
H.R & C.E. Department,
Vellore.

4. The Asst. Commissioner,
H.R. & C.E. Department,
Kanchipuram.

5. The Executive Officer,
Arulmighu Sathiyanaatha
Swamy Thirukoil,
Thirukkalimedu,
Kanchipuram.

6. Thiru Ramalinga Chettiar,
Trustee,
Arulmighu Sathiyanaatha
Swamy Thirukoil,
Thirukkalimedu,
Kanchipuram.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents herein to consider the petitioner's representation dated 16.09.2014 and pass appropriate orders on the same within a reasonable time.

For Petitioner :: Mr.S.Jayakumar

For Respondents:: Mr.K.V. Dhanapalan,
Addl. Govt. Pleader
for R1 to R5

O R D E R

The petitioner was declared as an encroacher by proceedings dated 12.07.2011 under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Challenging the same, the revision petition filed by the petitioner in R.P. No. 35 of 2011 before the 2nd respondent was also rejected on 28.12.2012. As against the same, the petitioner preferred a further appeal to the 1st respondent on 06.02.2013. He has also filed his written statement on 24.12.2013. Thereafter, the petitioner made a representation on 16.09.2014 seeking to acknowledge him as a tenant. Since the same has not been disposed of, the petitioner has come forward with the present writ petition seeking a direction to respondents 1 and 2 to dispose of his representation dated 16.09.2014.

2. When the appeal filed by the petitioner is pending before the 1st respondent, there is no question of considering the subsequent representation of the petitioner dated 16.09.2014. As of now, two authorities have already rejected the case of the petitioner. Thus, it would suffice if the appeal dated 06.02.2013, filed by the petitioner, pending before the 1st respondent, is directed to be disposed of.

3. Accordingly, the writ petition is disposed of directing the 1st respondent to dispose of the appeal filed by the petitioner dated 06.02.2013, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Govt.,
Commercial Taxes and Hindu
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Arulmighu Sathiyanaatha
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Thirukkalimedu,
Kanchipuram.

+1 cc to Mr.S.Jayakumar Advocate sr.64484
+1 cc to Government Pleader sr.65188

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