

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.20145 of 2015
and
M.P.No.1 of 2015

K.B.Rajendran

... Petitioner

Vs.

1. Arulmighu Dharmaraja Temple,
rep. by the Deputy Commissioner,
(Now, the Joint commissioner),
H.R & C.E., Chennai-34.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Board,
N.H.Road, Chennai-34.

3. The Deputy Commissioner,
(Now, the Joint commissioner),
Hindu Religious and Charitable
Endowment Board,
N.H.Road, Chennai-34.

4. M.D.Kasthuri

5. M.D.G.Rajkumar

6. M.D.Balaji

... Respondents

(Respondents 4 to 6 are the legal
heirs of the deceased Devarajan)

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the entire records of the impugned proceedings of the second respondent herein in K.Dis.No.15932/2015/D2 dated 8.5.2015 and quash the same and consequently, direct the second respondent herein to number the suo motu revision petition.

For Petitioner : Mr.K.B.Rajendran,
Party - in - person

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader,
for R.1 to R.3
Mr.V.Deenadayalan,
for R.4 to R.6

ORDER

The petitioner has come up with the present writ petition for a mandamus, challenging the impugned proceedings of the second respondent in K.Dis.No.15932/2015/D2 dated 8.5.2015 and consequently, to direct the second respondent herein to number the suo motu revision petition.

2. It is the case of the petitioner that the first respondent temple is a 16th century, ancient, historic, hindu, religious and charitable institution, situated at Old No.12, Evening Bazar Road, Chennai-3. One Byrava Gurukkal and Devarajan were appointed as Dharmakarthas and archakars / care takers of the first respondent temple and they were having only life time enjoyment and they had no title over the said temple. The respondents 4 to 6 are the legal heirs of the said Devarajan. The petitioner's father was a tenant under the first respondent temple from 1958 onwards and he paid pagidi to the Gurukkal. In the year 1973, his father put up a new concrete super structure by spending his own funds and had regularly paid monthly rent to the temple without default. After the demise of the said Devarajan, as per the direction of this Court, rents were deposited in the respective Courts. The Assistant Commissioner of Hindu Religious and Charitable Endowment Board, Chennai declared the first respondent temple as public temple vide his order dated 7.2.1948 made in O.A.No.265 of 1946. Now, the respondents 4 to 6, without any title or interest, are trying to grab the properties of the temple worth about crores of rupees and are trying to convert the temple as a private temple. The fourth respondent has no manner of right to demolish the original temple and raise a new temple. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the petitioner / party in person, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 to 6.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a detailed representation to the respondents 1 to 3 by putting forth his grievances, within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the respondents 1 to 3 are directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the respondents 4 to 6 and other necessary parties, if any, within a period of eight weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merit of the claim made by the petitioner and it is for the respondents 1 to 3 to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Deputy Commissioner,
(Now, the Joint commissioner),
Arulmighu Dharmaraja Temple,
H.R & C.E., Chennai-34.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Board,
N.H.Road, Chennai-34.
3. The Deputy Commissioner,
(Now, the Joint commissioner),
Hindu Religious and Charitable Endowment Board,
N.H.Road, Chennai-34.

+1cc to Mr.K.B.Rajendran, Advocate, S.R.No.11328
+2cc's to Mr.V.Deenadayalan, Advocate, S.R.No.11145
+1cc to the Government Pleader, S.R.No.11441

W.P.No.20145 of 2015

SAI (CO)
CA(11/03/2016)