

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6417 of 2013

and M.P.Nos.1 & 2 of 2013

V.Munusamy

.. Petitioner

Vs

- 1.The Commissioner,  
Hindu Religious & Charitable Endowment Dept.  
Mahatma Gandhi Salai,  
Nungambakkam,  
Chennai 600 034.
  - 2.The Joint Commissioner,  
Hindu Religious & Charitable Endowment Dept.  
Vellore Region, Vellore District.
  - 3.The Executive Officer,  
Arulmighu Jagannathaperumal Temple and  
Thirumazhisai Alwar Temple,  
Poonamallee Taluk, Thiruvallur District.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling upon the entire records which culminated in issuing the proceedings in Na.Ka.No.56775/2012/Ar.2 dated 21.01.2013 on the file of the 1<sup>st</sup> respondent and the consequential proceedings in Notice S.M.R.No.4/2013 D2 dated 01.03.2013 in Suo Motu Revision 4 of 2013, D2 of its file, quash the same and consequently direct the respondents to permit the petitioner to continue the lease granted in his favour on 01.11.2010 by the third respondent in respect of the land comprised in Survey No.142/1 measuring an extent of 50 cents situate within Poonamallee Revenue Village, Thiruvallur Revenue District, Poonamallee, Chennai, till its expiry on 31.10.2013.

|                |   |                               |
|----------------|---|-------------------------------|
| For Petitioner | : | Mr.I.Paranthaman              |
| For R1 & R2    | : | Mr.R.P.Prathap Singh          |
|                |   | Government Advocate (HR & CE) |
| For R3         | : | Mr.A.K.Sriram for             |
|                |   | M/s.A.S.Kailasam & Asso.      |

O R D E R

The lands in S.No.142/1 measuring 50 cents in Poonamallee Village, Thiruvallur District belongs to the third respondent's temple. The said lands were leased out to the petitioner for the period commencing from 01.11.2010 to 31.10.2013 by the second respondent. Subsequently, the first respondent, exercising his power of Suo Motu Revision No.4 of 2013 under Section 21 of the Hindu Religious and Charitable Endowments Act, issued a show cause notice dated 21.01.2013 stating that the second respondent has no authority to sanction lease on private negotiation without obtaining permission from the 1<sup>st</sup> respondent as prescribed under Rules 11 and 12 of the Religious Institutions (Lease of Immovable Property) Rules 1963 r/w Section 34 of the Hindu Religious and Charitable Endowments Act. Following the show cause notice, the first respondent had issued notice calling upon the petitioner to appear and participate in the Suo motu enquiry. Challenging the aforesaid two notices, the petitioner has preferred the present writ petition.

2.Heard Mr.I.Paranthaman, learned counsel appearing for the petitioner; Mr.R.P.Prathap Singh, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.K.Sriram, learned counsel appearing for the third respondent.

3. The impugned notices are only show cause notice and the consequent notice calling upon the petitioner to appear and participate in the enquiry. The petitioner has not questioned the Suo motu powers exercised by the first respondent under Section 21 of the HR & CE Act. Moreover, the above lease period has already expired on 31.10.2013. On the basis of the interim orders from this court, the petitioner has also been in occupation of the premises for the entire lease period. As such nothing survives for adjudication and hence, the writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

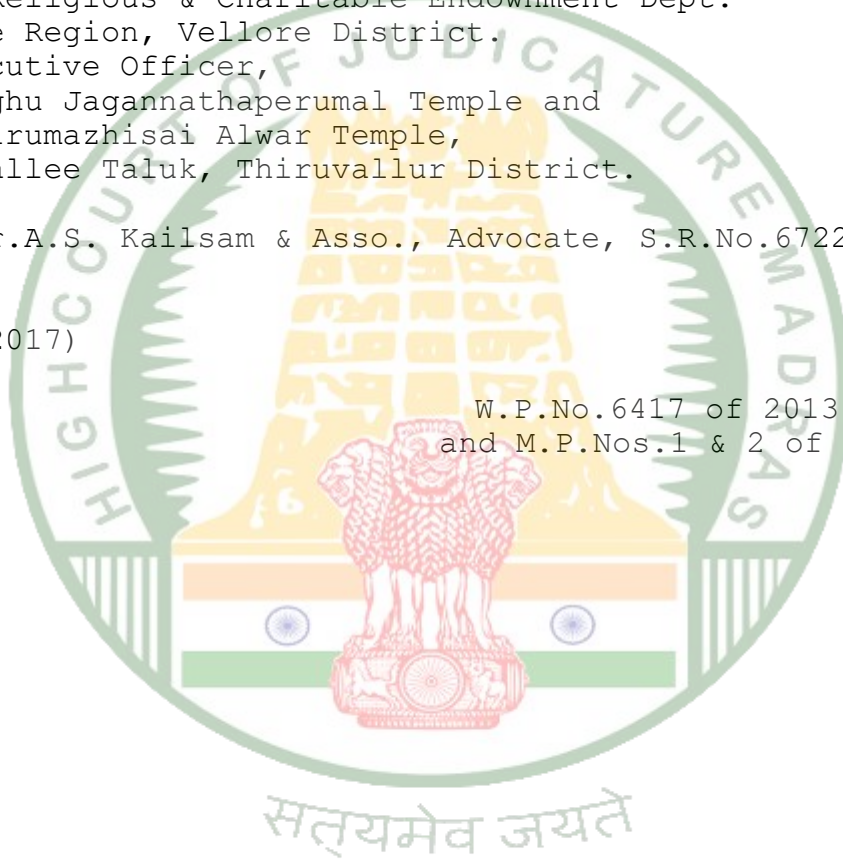
To

- 1.The Commissioner,  
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- 2.The Joint Commissioner,  
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- 3.The Executive Officer,  
Arulmighu Jagannathaperumal Temple and  
Thirumazhisai Alwar Temple,  
Poonamallee Taluk, Thiruvallur District.

+1cc to Mr.A.S. Kailsam & Asso., Advocate, S.R.No.67220

mp(CO)  
md(03/01/2017)

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