

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21512/2016

R.Krishnamurthi

.. Petitioner

Versus

1.The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam High Road,
Nungambakkam, Chennai 600034.

2.The Joint Commissioner
Hindu Religious & Charitable
Endowments Department,
Behind Bus Stand, Villupuram
Villupuram District.

3.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Cuddalore 607001,
Cuddalore Taluk,
Cuddalore District.

4.The Executive Officer
Arulmighu Aindhu Kinattru
Mariamman Koil, Cuddalore OT
Cuddalore Taluk, Cuddalore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to pass orders on the representation dated 15.04.2016 given by the petitioner.

For Petitioner : Mr.R.Gururaj

For RR 1 to 3 : Mr.K.V.Dhanapalan, AGP

ORDER

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

2 The petitioner would state that one Sundaramurthi, S/o.Ramasamy, took the vacant site belonging to the 4th respondent / temple on lease and put up a superstructure and through his Power Agent, has conveyed the said superstructure to one T.K.Aravindatchan, who in turn, sold the superstructure through an unregistered Sale Deed dated 17.07.2007 and ever since then, the petitioner claims to be in possession and enjoyment of the superstructure. The petitioner was issued with a notice dated 06.12.2015, signed on 11.01.2016, by the 2nd respondent under section 78[2] of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, calling upon the petitioner to offer his explanation with substantial evidence on or before 08.02.2016 as he is an encroacher. The petitioner in response to the same, submitted a reply on 15.04.2016 to the respondents and since no orders have been passed, he came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.K.V.Dhanapalan, learned Additional Government Pleader [HR&CE] who accepts notice on behalf of the respondents.

4 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's reply/representation dated 15.04.2016 on merits and in accordance with law 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. Till then, the 2nd respondent is directed to defer further decision to evict/dispossess the petitioner.

5 The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious & Charitable
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Mariamman Koil, Cuddalore OT
Cuddalore Taluk, Cuddalore District.

+1cc to Mr.R.Gururaj, Advocate, S.R.No.35046
+1cc to the Government Pleader, S.R.No.35788

W.P.No.21512/2016

ad(CO)
srg(13/07/2016)



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