

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 10-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8332 OF 2015

T.Bhuvaneswari

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Petitioner

-vs-

1.The Commissioner,
Komarapalayam Municipality,
Komarapalayam,
Tiruchengode Taluk,
Namakkal District.

2.The Inspector/Executive Officer,
Hindu Religious and Charitable Endowment Department,
Tiruchengode,
Namakkal District.

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Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the proceedings of the first respondent in Pe.Ma.No.130/2011/A1, dated 16.04.2012, and the consequential proceedings in Pe.Ma.No.213/2013/A1, dated 03.07.2014, and quash the same.

For petitioner : Mr.S.Doraisamy

For respondent 1 : Mr.P.Srinivas

For respondent 2 : Mrs.G.Sumitra

O R D E R

The land on which the superstructure has been constructed admittedly belongs to a temple. The superstructure is said to have been constructed by the grandfather of one Elango and, after that, the said Elango appears to have sold the property in favour of the petitioner, who has initially managed to obtain property tax assessment in his name without notice to the respondent's temple/HR&CE Department. On coming to know of the same, objection was raised before the municipality, which issued notice to the petitioner and has passed the impugned order, by which the property tax assessment stood transferred in the name of Elango.

2. As long as the land on which the superstructure is constructed belongs to the temple, the petitioner cannot have any absolute right unless and until the transaction made in her favour is recognised by HR&CE Department. This has not been done till-date, as the petitioner has not approached the authority under the HR&CE Act. Therefore, at this juncture, the question of interfering with the impugned proceedings does not arise. Accordingly, this Writ Petition is dismissed. Liberty is granted to the petitioner to file appropriate application before the Joint Commissioner, HR&CE Department, of the region concerned, setting out her case and placing all relevant documents, in which event, it is for the said Joint Commissioner to consider the same in accordance with law. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dixit
To

- 1.The Commissioner,
Komarapalayam Municipality,
Komarapalayam,
Tiruchengode Taluk,
Namakkal District.
- 2.The Inspector/Executive Officer,
Hindu Religious and Charitable Endowment Department,
Tiruchengode,
Namakkal District.

+1 cc to Mr.S.Duraisamy Advocate sr.15601
+1 cc to Mr.R.Srinivas Advocate sr.15620
+1 cc to Ms.G.Sumitra Advocate sr.15554

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