

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28474 of 2016

M.Sivasankar

.. Petitioner

Vs.

1.The Commissioner
Hindu Religious & Charitable
Endowment Department,
Nungambakkam High Road,
Chennai 600 034.

2.The Joint Commissioner
Hindu Religious & Charitable
Endowment Department,
Villupuram, villupuram District.

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

4.The Executive Officer
Arulmighu Pataleeswarar Devasthanam,
Thiruppadiripuliyur, Cuddalore 607002
Cuddalore Taluk, Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass an order on the representation dated 08.07.2015 sent by thep followed by representation dated 27.06.2016.

For Petitioner : Mr.R.Gururaj

For Respondents: Mr.M.Maharaja
Special Government Pleader [HR&CE]

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2 The petitioner claims that his father was in possession of 600 sq.ft., of land in TS.No.1783/3 in Soorappanaickenchavadi, Cuddalore District and he was doing business in selling fruits in a shed put up on the said land and after his demise, the petitioner got into possession and however, started doing business as a Mechanic. The petitioner, apprehending dispossession at the hands of the respondents without recourse to due process of law, filed WP.No.22198/2012 and this Court, vide order dated 23.08.2012, has disposed of the said writ petition by observing that the respondents will follow section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, before evicting the petitioner. Thereafter, the petitioner approached the respondents to recognise him as a tenant and in the interregnum, a notice was also issued on 17.06.2016 informing the petitioner that without any prior permission, has put up the shed and running an Automobile Workshop and therefore, ordered for eviction u/s.78 of the said Act. The petitioner, in this regard, has also submitted a representation dated 27.06.2016 to the 4th respondent to recognise him as a tenant and though it was received and acknowledged, no response is forth coming and hence, he came forward to file this writ petition.

3 Heard the submission made by the learned counsel appearing for the petitioner and Mr.M.Maharaja, learned Special Government Pleader, who accepts and takes notice on behalf of respondent and he would submit that the petitioner is in unauthorised occupation and the proceedings are being contemplated u/s.78 of the Act and after following due procedure, he will be evicted.

4 Be that as it may, 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 4th respondent to consider and dispose of the representation of the petitioner dated 27.06.2016 in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious & Charitable,
Endowment Department,
Nungambakkam High Road,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable,
Endowment Department,
Villupuram, villupuram District.

3.The Assistant Commissioner,
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Cuddalore-607001, Cuddalore Taluk,
Cuddalore District.

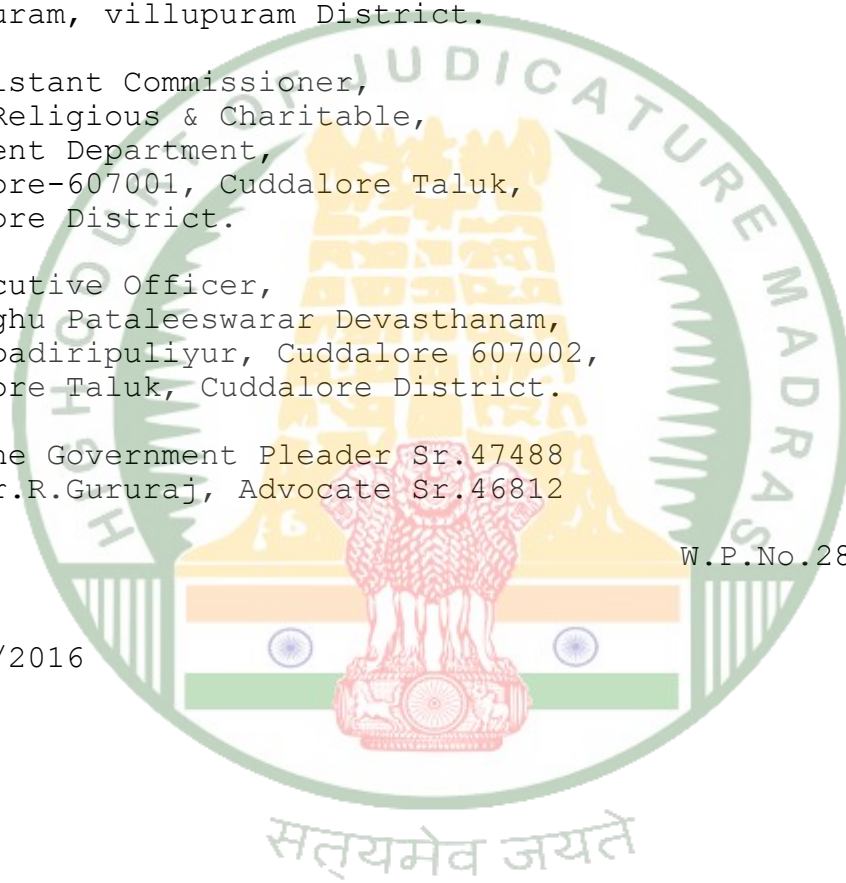
4.The Executive Officer,
Arulmighu Pataleeswarar Devasthanam,
Thiruppadiripuliyur, Cuddalore 607002,
Cuddalore Taluk, Cuddalore District.

+1cc to the Government Pleader Sr.47488

+1cc to Mr.R.Gururaj, Advocate Sr.46812

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pa[co]
srg 08/09/2016



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