

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.35306/2016

S.Ganesan .. Petitioner

Vs.

1 The Additional Chief Secretary
to Government, State of Tamil Nadu, Tourism
Culture and Religious Endowment Department,
Fort St. George Chennai-9.

2 S.Govindarajulu .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the first respondent to dispose of the Revision Petition dated 25.9.2014 filed by the petitioner which was taken on file as R.P. No.24/14 dated 10.12.2014 at an early date.

For Petitioner : Mr.P.Jagadeesan

For R1 : Mr.S.V.Duraisolaimalai, AGP

ORDER

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

2 The petitioner and his brother, the 2nd respondent herein

took the property from their father [late] Sarangapani Naidu, bearing Door No.574, 575 [New No.962, 960], Salem Cuddalore Main Road, Attur Town, by way of lease and the said property belongs to Arulmigu Vellai Pillaiyar Temple and the father of the petitioner was paying rents regularly to the HR&CE Department. The petitioner's father was also running a small hotel in the said property. Subsequent to his demise, the petitioner and his brothers were running the hotel business. In the meanwhile, the 2nd respondent who was the Managing Partner of the said Hotel, managed to get the lease deed in his name and since the 2nd respondent was acting against the interest of the petitioner and his other brothers, he was removed from the said post and the petitioner was appointed as the Managing Partner of the hotel.

3 It is the further case of the petitioner that on 17.01.2013 he had applied for change of leasehold right in his name before the Joint Commissioner, Salem. But, the Joint Commissioner, after conducting the enquiry, declined to effect name change and directed the parties to approach the Civil Court for appropriate remedies. He has also further observed that the change of leasehold right could be done, only when there is no objection from the other side. Aggrieved against the said order, the petitioner filed a revision before the Commissioner, HR&CE

Department in RP.No.99/2013-D2, which was dismissed on 01.08.2014 on the ground that as on that date, no valid lease existed and the Department was directed to take necessary action against section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act for eviction from the property, against which the petitioner filed WP.No.24627/2014 and this Court, vide order dated 11.09.2014, dismissed the writ petition granting liberty to the petitioner to avail the remedy available u/s.114 of the Act. Accordingly, the petitioner filed a revision petition in RP.No.24/2014 on 10.12.2014 before the 1st respondent herein and vide letter No.12173/AN.5-2/2014-4 dated 17.12.2014, the petitioner was informed to appear for personal enquiry on 06.01.2016 at 11.30 a.m. The petitioner also appeared before the Additional Chief Secretary, Tourism, Culture and Religious Endowment Department and also filed the written arguments. Despite, conducting the enquiry, the 1st respondent is yet to dispose of the revision petition in RP.No.24/2014. Hence, the petitioner has approached this Court, by filing the present writ petition.

4 Heard the learned counsel for the petitioner and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader who

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AP

accepts notice on behalf of the 1st respondent and who would submit that time may be granted to the 1st respondent to dispose of the revision petition.

5 Taking into consideration the limited scope of prayer sought for by the petitioner and taking note of the fact that already the enquiry was conducted and the written arguments has been filed, this Court, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to dispose of the Revision Petition filed by the petitioner in RP.No.24/2014 dated 10.12.2014 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction. No costs.

05.10.2016

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To

The Additional Chief Secretary
to Government, State of Tamil Nadu, Tourism
Culture and Religious Endowment Department,
Fort St. George Chennai-9.

WP.No.35306/2016