

In the High Court of Judicature at Madras

Dated: 19.12.2016

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.43219 of 2016

and

WMP No.37044 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-607 001,
Cuddalore Taluk,
Cuddalore District

4 The Executive Officer
Arulmighu Pataleeswarar Devasthanam,
Thiruppadiripuliyur, Cuddalore-607 002
Cuddalore Taluk, Cuddalore District.

..Respondents

Prayer :Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records and quash the proceedings of the 4th respondent dated 03.10.2016 and consequently directing the respondents to accept the petitioner as a tenant of the 4th respondent temple on such terms as are applicable.

For Petitioner : Mr.R.Gururaj

For Respondent : Mr.M.Maharaja

Special Government Pleader

ORDER

This petition is filed to quash the proceedings of the 4th respondent dated 03.10.2016 and consequently to direct the

respondents to accept the petitioner as a tenant of the 4th respondent temple on applicable terms.

2.The case of the petitioner is that he along with his father was doing fruits business in the property belongs to the fourth respondent for more than 25 years. Even after his father's death, the petitioner continued to do business in the same place. On 08.07.2010, the Government received penal charges from the petitioner since it belonged to the Government. Further, the petitioner filed W.P.No.22198 of 2012 to forbear the respondents from evicting him and the same was disposed of recording the submission of the respondents that they will take action under Section 78 of H.R & C.E. Act. Thereafter, he made several representations to the respondents in connection with the applications to regularise the occupation of temple properties. But no order was passed. The fourth respondent sent a notice dated 17.06.2016 calling the petitioner to remove the superstructure raised by him within 15 days to which he sent a reply dated 27.06.2016. Again he filed W.P.No.29474 of 2016 and the same was disposed of directing the fourth respondent to dispose of his representation dated 27.06.2016. Subsequently, the fourth respondent has passed the impugned order dated 03.10.2016, rejecting the representation of the petitioner dated 27.06.2016 on the flimsy ground that the petitioner occupied the property without permission of the temple. Hence, the petitioner has come up with the present writ petition.

3.Learned Special Government Pleader appearing for the respondents submitted that they already filed a petition for eviction in which, the enquiry is pending.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

5.In view of the above fact that the enquiry is pending, the writ petition is dismissed with liberty to the petitioner to approach the appropriate forum and contest the matter in accordance with law. No costs. The connected miscellaneous petition is also dismissed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Hindu Religious & Charitable Endowment
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Chennai-600 034
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Cuddalore Taluk, Cuddalore District.

+1cc to Mr.R.Gururaj, Advocate, Sr.No.74392.

SK (CO)
GN (24/01/2017)

W.P.No.43219/16



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