

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8818 of 2016

V.Venkatesan

... Petitioner

Vs.

1. The Secretary to Government,
Hindu Religious & Charitable Endowment Department,
Secretariat, Chennai -09.
2. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai -34.
3. The Joint Commissioner (J.C)
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai -34.
4. Dr.Lakshmi Rengarajan Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's representation dated 28.02.2016 by the respondents 1 to 3 within stipulated period and consequently directing the third respondent to execute the lease deed in respect of the petitioner's house property.

For Petitioner : Mr.T.V.G.Kartheeban

For R1 to R3 : Mrs.Rita Chandrasekar,
SGP (HR&CE)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to consider his representation dated 28.02.2016 within a stipulated period and consequently directing the third respondent to execute the lease deed in respect of his house property.

2. It is the case of the petitioner that his house property belongs to one Sivan temple, Tiruvelangadu Village, Tiruvallur District and comes under the administration of the respondents 1 to 3. He has been in possession and enjoyment of the same along with his family members. While so, on 26.02.2016, the fourth respondent trespassed into his property and tried to grab the same, based on the bogus document. Immediately, the petitioner gave a complaint to the Inspector of Police, G-2, Periamadu Police Station against the fourth respondent and others and the same was assigned as CSR No.511/CSR/G2/16 dated 27.02.2016, which is pending on his file. Subsequently, he gave a representation dated 28.02.2016 to the respondents 1 to 3 to execute the lease deed in his favour in respect of his house property. However, till date, no action has been taken on the part of the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Learned counsel for the petitioner submitted that the petitioner has been in possession and enjoyment of the property for the past 45 years and he possessed all the valid documents, such as, ration card, Aadhar card, driving license, voter ID etc.

4. Per contra, learned Special Government Pleader (HR&CE), who took notice for the respondents 1 to 3 submitted that the property in question belongs to the temple and therefore, the question of considering the petitioner's claim over the same, does not arise.

5. Irrespective of the submissions made on either side, this Court directs the respondents 1 to 3 to consider the representation of the petitioner dated 28.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent and other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 1 to 3 to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rk

To

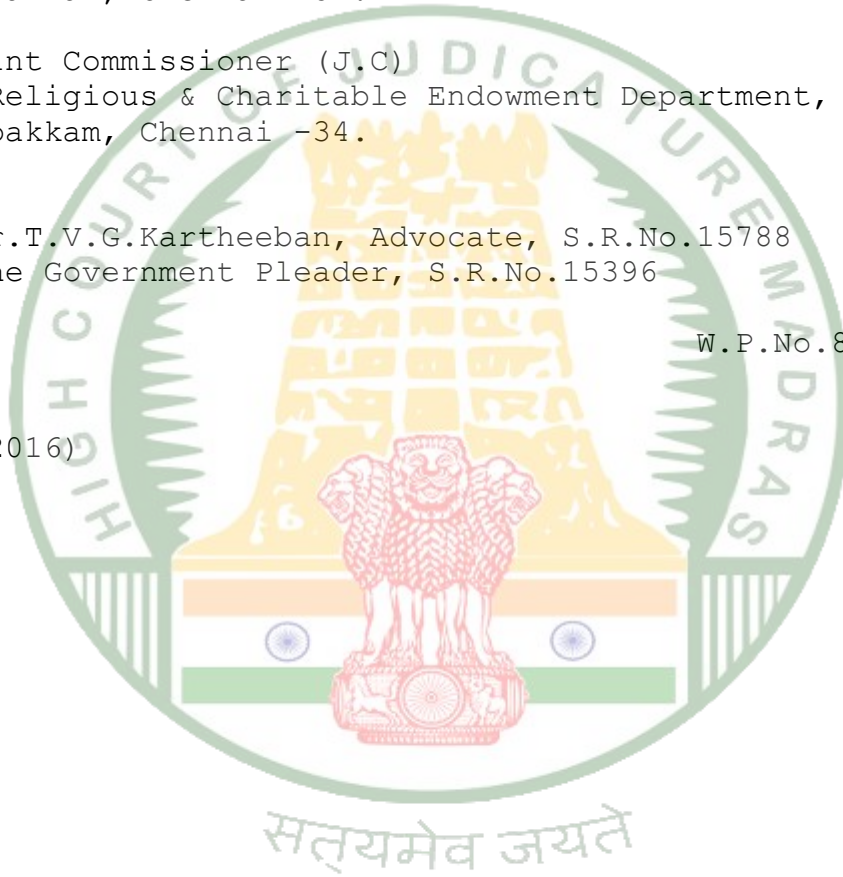
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+1cc to Mr.T.V.G.Kartheeban, Advocate, S.R.No.15788

+1cc to the Government Pleader, S.R.No.15396

W.P.No.8818 of 2016

AK (CO)
CA (29/03/2016)



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