

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30264 of 2017

K.Venkatesan

.. Petitioner

Vs.

1. The Secretary,
Government of Tamilnadu,
Tourism, Culture & Religious Endowments Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
3. The Joint Commissioner,
HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
4. The Assistant Commissioner,
HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
5. The Executive Officer,
A/m. Malligeshwarar Temple,
Linghi Chetty Street,
Chennai - 600 001.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent herein to number the Revision (filed on 20.11.2017) and dispose of the same within a stipulated time.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.M.Maharaja,
Special Government Pleader
for R1 to R4

O R D E R

The petitioner seeks for a direction to the first respondent to number the revision filed on 20.11.2017 and dispose of the same within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for HR & CE Department.

3. The petitioner suffered an order of eviction in pursuant to the proceedings taken under Section 78 of the Hindu Religious & Charitable Endowments Act. The petitioner, thus, approached the first respondent and filed a revision on 20.11.2017. The grievance of the petitioner is that the first respondent will not consider the revision, unless he makes some payment of arrears of rent. It is submitted that the petitioner is not bound to pay the claim made by the HR & CE Department being the enhanced rent and therefore, the claim is unsustainable.

4. This Court, at this stage, is not expressing any view on the merits and contentions raised by the parties with regard to the claim made by the HR & CE, as it is for the first respondent to consider and decide in the said revision. However, in order to protect the interest of both parties, this writ petition is disposed of as follows:

a) The petitioner is directed to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the 5th respondent within a period of seven days from today without waiting for a copy of the order.

(b) On receipt of such payment, the 5th respondent will issue a receipt without prejudice to their contention in the writ petition.

(c) On receipt of such receipt, the petitioner shall approach the first respondent and produce the same for considering the revision on its own merits and in accordance with law.

(d) On receipt of such receipt and after perusal of the revision filed by the petitioner, the first respondent will dispose of the said revision on its own merits and in accordance with law within a period of four weeks thereafter.

(e) Till a final order is passed by the Revisional Authority within the time stipulated by this Court, the respondents 2 to 5 shall maintain status quo as on today.

(f) The petitioner shall co-operate with the first respondent for the disposal of the revision within the time stipulated without seeking for any adjournment.
No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Government of Tamilnadu,
Tourism, Culture & Religious Endowments Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
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HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
4. The Assistant Commissioner,
HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

+1 cc to M/s.Guruprasad Advocate sr 86665

+1 cc to the Govt pleader sr 86626

W.P.No.30264 of 2017

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