

In the High Court of Judicature at Madras

Dated: 24.02.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.4703 of 2017

M.Sivaroja

[PETITIONER]

Vs

- 1 The Commissioner
Hindu Religious and Charitable Endowment
Department Nungambakkam Chennai- 600 034.
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowment
Department Nungambakkam Chennai- 600 034.
- 3 The Asst. Commissioner
Hindu Religious and Charitable Endowment
Department Nungambakkam Chennai- 600 034.
- 4 Arulmighu Kailasanadar
Thirukoil Padi Rep.by Executive officer
Chennai- 600 050.

[RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to call for the impugned proceedings of the second respondent in Na.Ka.No.3199/2016/A2 dated 24.01.2017 and quash the same and direct the respondents to remove the lock and seal illegally kept on 17.02.2017 and redeliver the petition premises (consist of 24 small shops) to the petitioner.

For Petitioner : Mr.B.Ullasavelan

For Respondents : Mr.M.Maharaja
Special Government Pleader

ORDER

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

2.The prayer in this writ petition is to issue a writ of mandamus to call for the impugned proceedings of the second respondent in Na.Ka.No.3199/2016/A2 dated 24.01.2017 and quash

the same and direct the respondents to remove the lock and seal illegally kept on 17.02.2017 and redeliver the petition premises (consist of 24 small shops) to the petitioner.

3. According to the petitioner, temple lands are given on lease and there was nearly 24 shops constructed and the same was let out to various business. While so, the respondent initiated proceedings under section 78 and 79 of Hindu Religious and Charitable Endowment Act and he passed an order dated 24.01.2017 to vacate the petition building within 15 days. Further she filed revision before the first respondent and pending revision, the petition premises were locked and sealed. She made a representation dated 28.02.2017 to the first respondent and the same is pending. Hence, this writ petition is filed challenging the proceedings of the second respondent.

4. Today when the matter is taken up, the learned Special Government Pleader for the respondents has stated that already the property has been sealed, as it has been sublet by her and pursuant to the order of the second respondent under section 78 of the HR & CE Act, the entire petition premises has been sealed. Of course, the petitioner already preferred revision in R.P.No.117 of 2017 and the same is posted for enquiry on 28.02.2017. Therefore, the petitioner can raise all the points before the authority concerned.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that already premises is sealed, the sub tenants shall make a request and submit affidavit of undertaking directly to the Commissioner to remove the lock and seal for the purpose of only taking their goods away and if such request is made, the Commissioner may permit them to do so and further, the Commissioner is directed to dispose of the pending revision petition within a period of three months. The writ petition is disposed of accordingly. No costs.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1 The Commissioner
Hindu Religious & Charitable
Endowment Department,
Nungambakkam, Chennai-34.

2 The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Nungambakkam, Chennai-34.

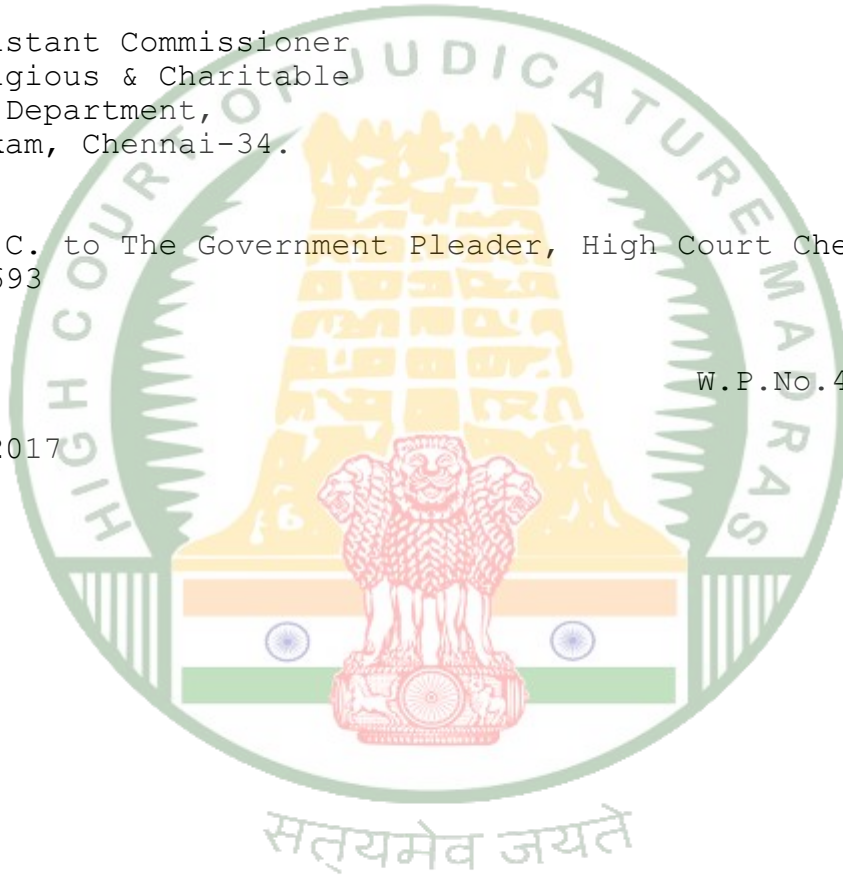
3 The Assistant Commissioner
Hindu Religious & Charitable
Endowment Department,
Nungambakkam, Chennai-34.

+1 C.C. to The Government Pleader, High Court Chennai-104
SR.NO. 12693

W.P.No.4703 of 2017

PVS (CO)

VS 22.03.2017



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