

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13041 of 2017

and

W.M.P.Nos.13912 and 13913 of 2017

C.Balu @ Chinnasamy

.. Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 4.The Executive Officer,
Arulmighu Kolalamman Thirukoil,
Karimangalam,
Dharmapuri District.
- 5.Subramani
- 6.Geetha
- 7.Deepika
- 8.Minor Naveen Kumar
rep.by his next friend father, the fifth
respondent Subramani
- 9.Balamma

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 4 to recognise the petitioner as a tenant in respect of the land in S.No.581/1B of Karimangalam Village belonging to the A/m.Kolalamman Temple, Karimangalam, based on the petitioner's representation dated 17.04.2017, within a fixed time frame.

For Petitioner : Mr.C.Uma Shankar

For Respondents: Mr.Maharaja,
Special Government Pleader (HR&CE)
for R1 to R4

ORDER

This writ petition has been filed for a direction to the respondents 1 to 4 to recognise the petitioner as a tenant in respect of the land in S.No.581/1B of Karimangalam Village belonging to the A/m.Kolalamman Temple, Karimangalam, based on the petitioner's representation dated 17.04.2017, within a stipulated time frame.

2.It is stated by the petitioner that he is in possession and enjoyment of the land in S.No.581/1B of Karimangalam Village, to the extent of 2499 sq.ft, which belongs to Arulmighu Kolalamman Temple, Karimangalam. The petitioner purchased the leasehold rights of the said land for a valuable consideration from one K.Vijayan, who professed to be the owner of the said land. The petitioner paid the entire sale consideration of Rs.36 lakhs to him on 01.05.2009. Only when the petitioner went to the Registrar Office for registration, he came to know that the land belongs to the temple. Thereafter, an unregistered sale deed was executed in favour of the petitioner by the said Vijayan, in the presence of witnesses. While so, the respondents 5 to 9, have filed a suit for declaration of title in respect of the said land in O.S.No.61 of 2016 on the file of the Sub-Court, Dharmapuri, suppressing the fact that the land belongs to the temple. Under the guise of filing suit, the respondents 5 to 9, who are stated to be the legal heirs of the said Vijayan, are trying to claim title by suppression of fact. It is further stated that the respondents 5 to 9 are trying to dispossess the petitioner from the land in question. The petitioner has made a representation dated 17.04.2017 to the respondents 2 to 4 in this regard. Since no action has been taken, the present writ petition is filed.

3.Mr.Maharajan, learned Special Government Pleader (HR&CE), takes notice for the respondents 1 to 4.

4.Considering the facts and circumstances of the case, without expressing any opinion as to the merits of the contentions raised by the petitioner in this writ petition, the writ petition is disposed of directing the respondents 1 to 4 to consider the representation of the petitioner dated 17.04.2017, on merits and in accordance with law, and pass appropriate

orders, after affording due opportunity to the petitioner as well as all the interested parties, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 4.The Executive Officer,
Arulmighu Kolalamman Thirukoil,
Karimangalam,
Dharmapuri District.

+1cc to Mr.C.Uma shankar, Advocate, S.R.No.37720

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W.P.No.13041 of 2017
and W.M.P.Nos.13912
and 13913 of 2017

NM(CO)
RS(24/05/2017)