

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.3704 of 2017

Sakthivel

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
H.R. & C.E. Department,
Fort St. George,
Chennai 600 009.
2. The Commissioner,
H.R. & C.E.,
Administration Department,
Nungambakkam High Road,
Chennai 600 034.
3. The Joint Commissioner,
H.R. & C.E.,
Administration Department,
Coimbatore - 641 018.
4. The Assistant Commissioner,
H.R. & C.E.,
Administration Department,
Coimbatore - 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to dispose of the Revision Petition No.85/2016 filed under Section 114(2) of Hindu Religious and Charitable Endowment Act, within the time frame.

For Petitioner : Mr.P.Kalimuthu

For Respondents: Mr.M.Maharaja,
Special Government Pleader (HR & CE)

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to dispose of Revision Petition No.85/2016 filed under Section 114(2) of Hindu Religious and Charitable Endowment Act, within a time frame.

2. According to the petitioner, the property measuring an extent of 1500 sq. ft. situated in Thikkampatti Village, in S.F.No.978/2 belongs to his father Sadayappan Gounder and that during his life time, his father constructed a house and shop in the above place. After the lifetime of his father, his mother Masiriyathal bequeathed that property. While so, one Thangavel, a Pooja Material Merchant of Arulmighu Veerabhatra Kaliyamman Temple, Nellithurai Thikkampatti, Mettupalayam Taluk filed a suit in O.S.No.186 of 2005 before the District Munsif Court, Mettupalayam and obtained an order of injunction in I.A.No.461 of 2005 restraining the petitioner from selling Pooja articles. Thereafter, the petitioner approached this Court in C.R.P.No.148 of 2005 and by an order dated 04.04.2006, this Court suspended the interim injunction and permitted the petitioner to sell pooja materials in the said property. Pursuant thereto, the petitioner filed a Revision Petition in R.P.No.85 of 2016. Since the said revision is not taken up for hearing so far, the petitioner is before this Court seeking a direction to dispose of the same within a time frame.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the 1st respondent herein to dispose of Revision Petition No.85/2016 filed by the petitioner on merits and in accordance with law, after giving an opportunity of hearing to the parties concerned, within a period of four months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.3752 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary,
State of Tamil Nadu,
H.R. & C.E. Department,
Fort St. George,
Chennai 600 009.

2. The Commissioner,
H.R. & C.E.,
Administration Department,
Nungambakkam High Road,
Chennai 600 034.

3. The Joint Commissioner,
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Administration Department,
Coimbatore - 641 018.

4. The Assistant Commissioner,
H.R. & C.E.,
Administration Department,
Coimbatore - 641 018.

+1cc to Mr.P.Kalimuthu, Advocate Sr.10101
+1cc to the Government Pleader Sr.10471

W.P.No.3704 of 2017

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srg 6/3/2017

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