

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.Nos.30127 to 30130 of 2016 and
WMP.Nos.26096 to 26099 of 2016

1. S.Suguna
2. Kannan ... Petitioners in W.P.No.30127/2016

1. Prema
2. Meenakshi
3. S.Suresh
4. S.Sathish
5. S.Harish ... Petitioners in
W.P.No.30128/2016

J.Usha ... Petitioner in W.P.No.30129/2016

Rathinammal ... Petitioner in W.P.No.30130/2016

Vs.

1. The Commissioner,
HR&CE, Nungambakkam High Road,
Chennai-34.
2. The Joint Director,
HR&CE, Nungambakkam High Road,
Chennai-34.
3. The Executive Officer,
A/M.Agatheeswarar Temple,
Villivakkam, Chennai-34. ... Respondents in all W.Ps.

Writ Petitions are filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the 2nd respondent to take necessary steps on the representation of the

petitioners dated 31.10.2013 in view of the request made by the 1st respondent in his letter No.60001/2013/R2 dated 05.11.2013 in order to determine whether the leasehold temple land is utilized for commercial purpose or residential purpose.

For Petitioners	: Mr.V.Raghupathi
For Respondents	: Mr.M.Maharaja,
1 & 2	Special Government Pleader
For 3rd Respondent	: Mr.S.D.Ramalingam

COMMON ORDER

Since common issue is involved in all these Writ Petitions, they were all heard together and they are disposed of by this Common Order.

2. The Writ Petitions have been filed to issue a Writ of Mandamus, directing the 2nd respondent to take necessary steps on the representation of the petitioners dated 31.10.2013 in view of the request made by the 1st respondent in his letter No.60001/2013/R2 dated 05.11.2013 in order to determine as to whether the leasehold temple land is utilized for commercial purpose or residential purpose.

3. The case of the petitioners is that the petitioners are the

lessees to some extent of the lands belonging to the 3rd respondent Temple. The petitioners constructed the superstructures by spending their own money and their rent has been revised periodically. The grievance of the petitioners is that though they are using the said lands for residential purpose only, the 3rd respondent fixed the rent on par with commercial purpose. Further, the 3rd respondent has also mentioned wrong extent of the land in their occupation in the notices. Therefore, the petitioners through their Association has given a representation to the respondents 1 and 3. A reply has been given by the 1st respondent dated 05.11.2013 directing the 2nd respondent to take necessary action in this regard. Since the same has been not considered, the petitioners filed revision under Sections 21 and 22(c) of Tamil Nadu Hindu Religious and Charitable Endowment Act. In the meantime, the 3rd respondent temple referred the matter for eviction proceedings under Section 78 of the Act to the 2nd respondent without giving any opportunity to the petitioners. The revision filed by the petitioners has been returned twice for proper compliance. Hence, the present Writ Petitions came to be filed.

4. Heard the learned Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Counsel appearing for the 3rd respondent.

5. After some elaborate arguments by both sides, the

learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the matter is now pending before the Joint Commissioner, HR& CE Department, Chennai in respect of an enquiry under Section 78 of the Act. The next hearing for the enquiry is posted on 06.02.2017. Therefore, all these petitioners are entitled to appear before the Joint Commissioner and to raise all the points which have been raised before this Court in these writ petitions and it is for the authority to pass appropriate orders, after giving sufficient opportunity to the petitioners herein.

6. Recording the said statement of the learned Special Government Pleader appearing for the respondents 1 and 2, the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

27.01.2017

Index : Yes/No
Internet:Yes/No
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To

1. The Commissioner,
HR&CE, Nungambakkam High Road,
Chennai-34.
2. The Joint Director,
HR&CE, Nungambakkam High Road,
Chennai-34.
3. The Executive Officer,
A/M.Agatheeswarar Temple,
Villivakkam, Chennai-34.

B.RAJENDRAN, J.
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/2016

W.P.Nos.30127 to 30130

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