

In the High Court of Judicature at Madras

Dated: 07.02.2017

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The Honourable **Mr.JUSTICE B.RAJENDRAN**

W.P.Nos.32240 of 2016

and

WMP Nos.27598 and 34298 of 2016

P.Vijayalakshmi

..Petitioner

Vs

- 1 The Commissioner
Hindu Religious and Charitable Endowment
Department, Uthamer Gandhi Road,
Chennai-600 034
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department , Dr. Balasundram Road,
Coimbatore-16.
- 3 The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Tiruppur.
- 4 The Executive Officer,
A/m. Ponkalamman Temple , Palladam Taluk,
Tiruppur District.
- 5 P.K.Paramasivam

[RESPONDENTS]

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of mandamus to direct the respondents 1 to 4 herein to fix the fair rent for the temple land measuring 0.55 cents in S.No. 332/1, Palladam Taluk based on representation dated 28.12.2015 and consequently forbearing the respondents 1 to 4 herein from evicting the petitioner from the temple land belonging to A/m. Ponkalamman Temple measuring 0.55 cents in S.No. 332/1 Palladam Taluk without following the due process of law.

For Petitioner : Mr.I.Abrar Md Abdullah
For Respondents : Mr.M.Maharaja for R1 to R3
Special Government Pleader (HR&CE)
Mr.WM.Abdul Majeed
for Ms.G.Sunitra for R4

ORDER

The writ petition has been filed for a mandamus to direct the respondents 1 to 4 herein to fix the fair rent for the temple land measuring 0.55 cents in S.No. 332/1, Palladam Taluk based on representation dated 28.12.2015 and consequently forbearing the respondents 1 to 4 herein from evicting the petitioner from the temple land belonging to A/m. Ponkalamman Temple measuring 0.55 cents in S.No. 332/1 Palladam Taluk without following the due process of law.

2. According to the petitioner, she and the fifth respondent are in the enjoyment of the land measuring 0.55 cents and she made a representation dated 28.12.2015, for fixing the fair rent payable to the land and the same is pending for consideration. Whiles, the fourth respondent is trying to take possession of the subject land by fencing the land. Hence, this writ petition is filed.

3.After some elaborate arguments, learned counsel for the petitioner fairly submitted that though he erroneously mentioned

larger extent of 0.55 cents of lands, he seeks only 1100 sq. ft in front of the temple and that his representation may be considered to lease the vacant land and that he is prepared to pay any other compensation to the temple. He further submitted that till then, he should not be evicted. According to the petitioner, he is utilising the space for car park and front elevation.

4.Learned Special Government Pleader appearing for the respondents submitted that the petitioner is not in the extent of 40 cents as originally claimed in the writ petition. In that area, they proposed to construct Kalyanamandapam. Further, he is not a tenant but only an encroacher. Therefore, he will not be entitled to any relief. He further submitted that as of now the petitioner is enjoying only an extent of less than 1000 sq.ft. and that it is for the authorities to take into consideration the representation and pass appropriate orders in accordance with law.

5.Heard both sides.

6.In view of the limited prayer sought for, this court without expressing any opinion on the merits of the matter directs the authority concerned to consider the representation of the petitioner

B.RAJENDRAN,J.

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and pass appropriate orders on merits and in accordance with law within a period of one month. Till such time, no coercive steps shall be taken only in so far as the limited space as enjoyed by the petitioner as on this date. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

07.02.2017

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