



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P (MD) No.23683 of 2017andW.M.P (MD) No.19902 of 2017

Navaneetha Krishnan

... Petitioner

Vs.

1.The State rep. By
The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 34

2.State rep. By
The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai, Thanjavur District.

3.State rep. by
The Executive Officer,
A/m. Sakthivaneswara Swamy Thirukoil, Patteeswaram,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

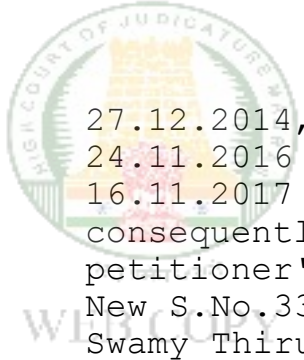
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representations dated 27.12.2014, 13.02.2015, 14.07.2015, 06.11.2015, 17.08.2016, 24.11.2016 and 05.04.2017 in the light of the letter dated 16.11.2017 issued to the second respondent by first respondent and consequently direct the third respondent not to disturb the petitioner's possession of the lands situated in Old S.No.283/10, New S.No.336/24 to an extent of 12 cents situated in Sakthivaneswara Swamy Thirukovil, Thirushakti Muttram, Patteeswaram Post, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.N.Thiagarajan,
Senior Advocate
For Mr.R.Senthilkumar

For Respondents : Mr.T.S.Mohamed Mohideen - for R.1 & R2
Additional Government Pleader
: Mr.V.Chandrasekar - for R3

O R D E R

THIS writ petition has been filed, seeking to direct the second respondent to consider the petitioner's representations dated



27.12.2014, 13.02.2015, 14.07.2015, 06.11.2015, 17.08.2016, 24.11.2016 and 05.04.2017 in the light of the letter dated 16.11.2017 issued to the second respondent by first respondent and consequently direct the third respondent not to disturb the petitioner's possession of the lands situated in Old S.No.283/10, New S.No.336/24 to an extent of 12 cents situated in Sakthivaneswara Swamy Thirukovil, Thirushakti Muttram, Patteeswaram Post, Kumbakonam Taluk, Thanjavur District.

2.Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.V.Chandrasekar, learned Counsel takes notice for the third respondent.

3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. It is the case of the petitioner that the land comprised in Survey No.336/24, to an extent of 12 cents is in possession and enjoyment of the petitioner, right from his ancestors. The said land, which is an Inam, was allotted to the persons, who are rendering service of carrying the "Pallakku". By filing suit, first appeal as well as second appeal, the respondents are taking steps to vacate the petitioner. In the meantime, as an arrear of lease amount of Rs.1,00,000/-, the petitioner sent a demand draft to the third respondent. However, the same was returned and tried to evict the petitioner, by filing Execution Proceedings before the concerned Court. Hence, the petitioner submitted several representations in that regard and thereafter, the petitioner submitted a representation dated 05.04.2017 to the respondents to consider his grievance. Since the said representation has not been considered so far, the petitioner is before this Court for the aforesaid relief.

5. Heard the submissions of the learned Senior Counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2, and the learned Counsel for the third respondent and perused the materials available on record.

6. When the matter is taken up for hearing today, the learned Senior Counsel appearing for the petitioner submitted that it would suffice, if his representation dated 05.04.2017 is disposed of by the second respondent, in the light of the proceedings of the first respondent dated 16.11.2017.

7. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the respondents, more particularly, the second respondent, to consider the representation of the petitioner dated 05.04.2017 and pass appropriate orders in the light of the proceedings of the first respondent dated 16.11.2017, on its own



merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other interested parties, if any, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To:

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

2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai, Thanjavur District.

+One cc to Mr. V. Chandrasekar, Advocate, SR.no.94398

+One cc to Mr. R. Senthilkumar, Advocate, SR.No.94124

+One cc to The Special Government Pleader, SR.No.94650

rm

RL/6C/3P/SV/MMS/SAR1/22/12/2017

W.P (MD) No.23683 of 2017

21.12.2017