

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.22105 of 2018 & W.M.P. Nos.25904 and 25905 of 2018

1 Govindasamy

2 Veeramani

3 Ramadoss

4 Rajalakshmi

5 Sankar

6 Panneer Selvam

7 Ellammal

8 Subramani

9 Loganathan

10 Indrani

11 Mahendiran

12 Duraisamy

13 Samanthi

14 Muniyammal

15 Navammal

16 Manjula

17 Muniyammal

: Petitioners

vs.

1 The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam
Chennai 600 034

- 2 The Joint Commissioner
Hindu Religious & Charitable Endowment
Villupuram Division
Villupuram
- 3 The Assistant Commissioner
Hindu Religious & Charitable Endowment
Thiruvannamalai
Thiruvannamalai District
- 4 The Inspector/Fit Person
Arulmigu Pachiswarar Temple
Parithipuram
Cheyyar Town and Taluk
Thiruvannamalai District
- 5 The District Collector
Thiruvannamalai District
Thiruvannamalai
- 6 The Revenue Divisional Officer
Cheyyar Revenue Division
Cheyyar
Thiruvannamalai District
- 7 The Tahsildar
Cheyyar Taluk
Cheyyar
Thiruvannamalai District : Respondents

Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus directing the respondents 2 to 4 to consider the tenancy of the petitioners for their residential houses situated in Survey No.25 of Parithipuram Village, Cheyyar Taluk, Thiruvannamalai District based on the application dated 14.08.2018.

For petitioners : Mr. M.R. Jothimanian for Mr. K.Balu

For RR 1 to 4 : Mr. S.P. Maharajan
Special Government Pleader
H.R & C.E.

For RR 5 to 7 : Mr. V. Jayaprakash Narayanan
Special Government Pleader

ORDER

With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents 2 to 4 to consider petitioners' tenancy for their residential houses situated in Survey No.25, Parithipuram Village, Cheyyar Taluk, Thiruvannamalai District, based on their representation dated 14.08.2018.

3 According to the petitioners, they are landless poor having houses in the land in S. No.25, Parithipuram Village, Cheyyar Taluk, Thiruvannamalai District, which was originally classified as a Government poramboke land; but, now, since the land in the aforesaid survey number belongs to the fourth respondent temple, they have been directed to vacate their houses as per E.P. proceedings of the Civil Court; while so, they have addressed a representation dated 14.08.2018 to the second respondent seeking grant of tenancy under the H.R. & C.E. Department, but, to no avail; hence, the instant writ petition seeking the aforesaid relief.

4 Concededly, the petitioners have been in occupation of their houses in the land in question, now, owned by the fourth respondent temple. According to the learned Special Government Pleader appearing for respondents 1 to 4, there was a suit filed in O.S. No.267 of 1961 before the Subordinate Court, Ranipet, Vellore, qua the land in question, seeking declaration of title and permanent injunction, which was dismissed vide judgment dated 29.11.1963; the appeal filed thereagainst by the Trustees of the temple in A.S. No.49 of 1965 was allowed on 16.02.1971; the Second Appeal in S.A. No.1874 of 1972 filed by the defendants in the original suit was also dismissed on 28.04.1982; thereafter, the decree was put in execution and the petitioners herein have filed an obstruction petition, on account of which, the fourth respondent temple is unable to proceed with the execution; while that being so, the petitioners have preferred this writ petition seeking a mandamus to direct the temple authorities and the H.R. & C.E. Department as well, to consider their tenancy and permit them to continue to occupy in the place in question.

5 Incontrovertibly, the petitioners do not have any independent right over the property in question and they claim tenancy merely based on their possession for over a long number of years.

6 Given the facts and circumstances obtaining in this case and also bearing in mind, the limited scope of the relief sought by the petitioners, viz., tenancy of the petitioners based on their representation dated 18.04.2018, this Court is of the view that the ends of justice would be met by directing the

authorities concerned to consider the petitioner's aforesaid representation on merits and in accordance with law within a time frame.

Accordingly, this writ petition stands disposed of with a direction to the respondents 2 to 4 to consider the petitioners' representation dated 14.08.2018 on merits and in accordance with law, of course, after giving notice to all the parties concerned and affording them an opportunity of hearing, within a period of six weeks from the date of receipt of a copy of this order. Costs made easy. Connected W.M.Ps. are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam, Chennai 600 034
- 2 The Joint Commissioner
Hindu Religious & Charitable Endowment
Villupuram Division, Villupuram
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Cheyyar Revenue Division
Cheyyar, Thiruvannamalai District

7 The Tahsildar
Cheyyar Taluk
Cheyyar, Thiruvannamalai District

+1 cc to Mr.V.Raghavachari, Advocate Sr.No. 76992
+1 cc to Mr.K.Balu, Advocate Sr.No.77088
+1 cc to The Special Government Pleader, Sr.No.77635

W.P.No.22105 of 2018

AP (CO)
CSL/03.12.2018



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