

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.01.2019

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1456 of 2019
and W.M.P.No.1620 of 2019

P.C.Bhaskar

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Vellore Division, O/o. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Sathuvachari, Vellore - 9.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kancheepuram Division, O/o. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kancheepuram.
4. The Thakkar / Executive Officer,
Siddhi Buddhi Vinayagar Temple,
Varadharajapuram, Poonamallee,
Also the Executive Officer,
A/m. Thirukatchi Nambigal & Varadharaja Perumal Temple,
Poonamallee.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's application filed on 03.01.2019 in M.P.R.C.No.726/2019 and 730/2019 in R.P.No.88/2018 in accordance to Law and on merits within the time frame fixed by the Court.

For Petitioner : Mr.V.Srikanth

For Respondents 1 to 3 : Mr.M.Maharaja
Special Government Pleader
H.R & C.E

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to dispose of his application filed on 03.01.2019 in M.P.R.C.No.726/2019 and 730/2019 in R.P.No.88/2018 in accordance with law.

2. According to the learned counsel for the petitioner, the petitioner is the owner of the land measuring to an extent of 1 acre and 1 cents comprised in Survey No.390/1B/1B, situated at Varadharajapuram Village, Ponnammalle Taluk, Thiruvallur District. A proceeding in terms of Section 78 of the Tamil Nadu H.R & C.E Act, 1959 has been initiated against the said land under the occupation of the petitioner on the erroneous assumption that the land belongs to the fourth respondent-Temple. During the course of the enquiry before the second respondent, the petitioner has produced the revenue records to prove his title over the subject property. Apart from that, the fourth respondent has also admitted in his cross examination before the second respondent that the temple does not have any records to prove its title over the subject property. Without considering the documents, the second respondent has erroneously held that the petitioner is an encroacher of the subject property, vide its order dated 27.06.2018 made in Pro.R.C.No.7060/2016. Aggrieved over the same, the petitioner has filed a Revision Petition in R.P.No.88/2018 before the first respondent. The above case was posted for hearing on 19.11.2018 and on the said date, the case is closed for orders, after hearing both sides. In the mean while, the petitioner has filed applications on 03.01.2019 before the first respondent seeking to receive the additional documents and reopen the case for arguments. But, till date, no enquiry has been conducted by the first respondent. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard Mr. M.Maharaja, learned Special Government Pleader (HR & CE) appearing on behalf of the respondents 1 to 3.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's application dated 03.01.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, fourth respondent herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

av/srn

To

1. The Commissioner,
Hindu Religious and Charitable endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Vellore Division, O/o. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Sathuvachari, Vellore - 9.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kancheepuram Division, O/o. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kancheepuram.

+1cc to the Government Pleader, Advocate, S.R.No.5256

W.P.No.1456 of 2019
and W.MP.No.1620 of 2019

MR(CO)

rrs 20/03/2019

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