

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 24882 of 2019
and
W.M.P. Nos. 24495 and 24496 of 2019

Kamala Vinayakar Aided Middle School
Represented by its Secretary
No.77/29, Adam Sahib Street
Royapuram
Chennai - 600 013.

... Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Board
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowment Board
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 600 034.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowment Board
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai - 600 034.
4. The Executive Officer
Arul Mighu Angala Parameshwari Thirukovil
Royapuram, Chennai - 600 013. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent in respect of the issuance of the impugned letter No. NIL dated 11.06.2019 and to quash the same and consequently directing the First Respondent to dispose the same and consequently directing the First Respondent to dispose the revision petition filed under Section 21 of Hindu Religious and Charitable Endowments Act, 1959 for fixing a fair rent vide S.R. No. 46360/2019 with sufficient opportunity given to the petitioner's school.

For Petitioner : Mr. S. Kanmani Annamalai
For Respondents : Mr. M. Maharaja (For R1 to R3)
Special Government Pleader (HR&CE)

Mr. A.K. Sriram (For R4)
For M/s. A.S. Kailasam Associates

O R D E R

The Petitioner, who is in occupation of the property belonging to the Fourth Respondent, has suffered an order of eviction dated 03.04.2018 passed by the Second Respondent under Section 78(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (hereinafter referred to as 'the Act' for brevity) and had filed a Revision Petition under Section 21 of the Act against the said order before the First Respondent along with an application to condone delay of 382 days in filing the same. The Fourth Respondent has issued a notice dated 11.06.2019 requiring the Petitioner to vacate and hand over possession of the property in terms of the aforesaid order of eviction, failing which it was informed that resort would have made to Section 79 of the Act for enforcing the same.

2. At this stage, the Petitioner has filed this Writ Petition challenging the aforesaid notice dated 11.06.2019 issued by the Fourth Respondent and has sought for consequential direction to the First Respondent to dispose the Revision Petition.

3. Learned Special Government Pleader (HR&CE) appearing for the First to Third Respondents, on instructions, states that in view of the dictum laid down by the Hon'ble Supreme Court of India in Ganesan -vs- Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board (Judgment dated 03.05.2019 in Civil Appeal No. 4582 of 2019), the provisions of Section 5 of the Limitation Act, 1963, do not apply to the proceedings before the First Respondent, and the application to condone the delay of 382 days in filing the Revision Petition could not be entertained, and the Revision Petition has been returned by order dated 11.11.2019, and a copy of the same has been produced.

4. In view of the aforesaid legal position, the question of issuing any direction to the First Respondent to dispose the Revision Petition filed by the Petitioner does not arise and resultantly, there is no justification to interfere with the order dated 11.06.2019 issued by the Fourth Respondent requiring the Petitioner to vacate and hand over possession for which eviction has been ordered by the Second Respondent.

5. As there are no merits in the Writ Petition, the same is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(Ins.Cell)

// True Copy//

Sub Assistant Registrar

maya/vjt

To

1. The District Collector
Vellore District.
2. The Chairman
Tamil Nadu Slum Clearance Board
Chennai - 600 005.
3. The Executive Engineer
Tamil Nadu Slum Clearance Board
Vellore Division, Vellore District.

+1cc to Mr.M.Saravanakumar, Advocate, SR.No.97678.
+1cc to Government Pleader, SR.No.99063.

W.P. No. 24882 of 2019

GJ(CO)
CSR: 10/12/2020

