

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2019

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.34623 of 2019

B.Sukumar

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowments Dept.,
119, Uthamar Gandhi Road,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Dept.,
119, Uthamar Gandhi Road,
Chennai 600 034.

3.The Executive Officer ,
Arulmigu Katchaleeswararkoil,
Armenian Street,
Chennai-600 001.

4.Thiru. V.Sivaraman,

5.C.Ravi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other Writ or order of a like nature, directing the respondents 1 to 3 to recover the rental arrears up to date and take consequential action to recover monthly rentals as is permissible under the law and also retrieve and or restore possession of the property to the temple from encroachers / unauthorized occupants who collect and pay lower rents under a veiled and unauthorized subletting action.

For Petitioner : Mr.N.Seshadri

For Respondents : Mr.M.Maharaja

Special Government Pleader
for R1 to R3

ORDER

1.This writ petition has been been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to recover the rental arrears up to date and take consequential action to recover monthly rentals as is permissible under the law and also retrieve and or restore possession of the property to the temple from encroachers /

unauthorized occupants who collect and pay lower rents under a veiled and unauthorized subletting action.

2.Mr. Maharaja, Special Government Pleader takes notice for R1.

3.It is stated that the present writ petitioner claims that he is the devotee of Arulmigu Katchaleeswarar Temple.

4.The Court certainly appreciates his stands. On instructions the learned Special Government Pleader stated that total amount of Rs.15,00,145/- is due as rent from the 4th and 5th respondent namely V.Sivaraman and C.Ravi. In this connection, it is also stated that the matter is now pending with the Joint Commissioner viz., 2nd respondent and an inspection has also been conducted and recommendations were also issued for initiating action under Section 78 of the Hindu Religious and Charitable Endowments Act. The respondents 1 to 3 are present. Since they have initiated the proposed action under Section 78 of the Hindu Religious and Charitable Endowments Act, the law would take its own course.

5.Recording the submission, the Writ Petition is disposed of with a direction to the Joint Commissioner, HR & CE to pass final orders on or before four months from the day of the copy of this Order. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

jrs

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Dept.,
119, Uthamar Gandhi Road,
Chennai 600 034.

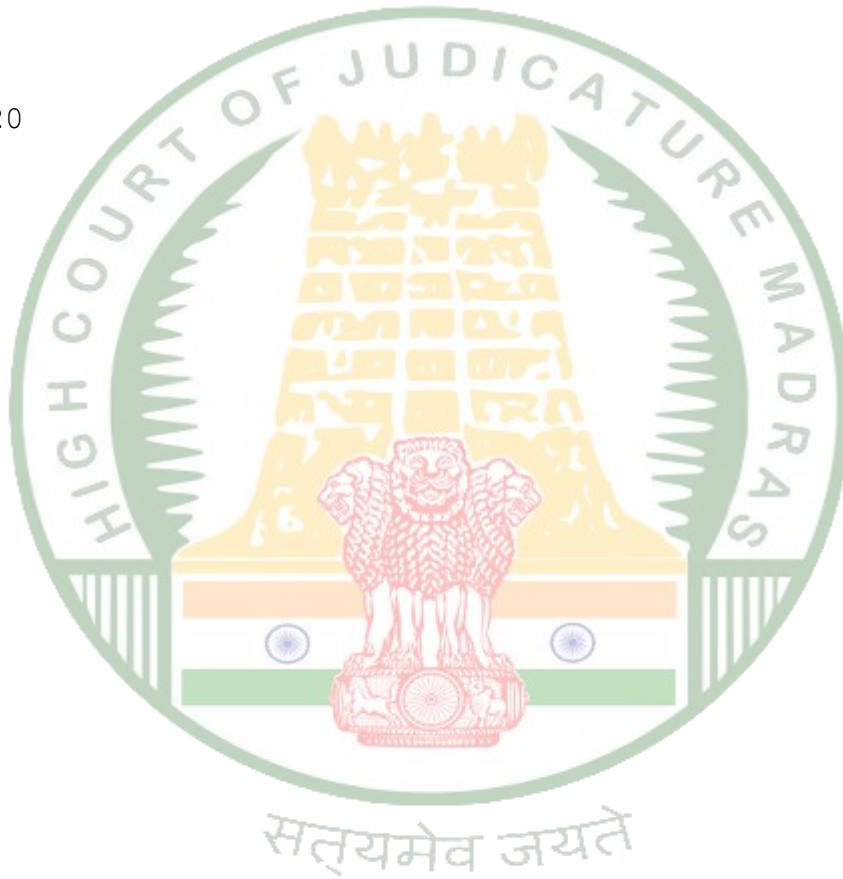
2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Dept.,
119, Uthamar Gandhi Road,
Chennai 600 034.

3.The Executive Officer ,
Arulmigu Katchaleeswararkoil,
Armenian Street,
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+1 cc to the Government Pleader sr 104619

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