



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

WEB COPY THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P. (MD)No.3054 of 2019

S.Ammaiyappan

: Petitioner

Vs.

1.The Joint Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Madurai.

2.The Assistant Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Madurai.

3.The Commissioner,
Melur Municipality,
Melur Taluk, Madurai District.

4.S.Ramachandran

5.M.Chockalingam

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 and 2 to complete the enquiry under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, as directed by this Court in W.P.(MD)No.21387 of 2017, dated 30.01.2018 and direct the respondents 1 and 2 to remove the encroachment made by the fourth respondent based on the petitioner's representation dated 28.01.2019.

For Petitioner : Mr.V.B.Sundhareswar

For R-1 & R-2 : Mr.VR.Shanmuganathan
Special Government Pleader

For R-3 : Mr.J.Gunaseelan Muthaiah

For R-4 : Mr.V.Janakiramulu

For R-5 : Mr.B.Kumarasamy



O R D E R

[Order of the Court was made by
K.RAVICHANDRABAABU, J.]

WEB COPY

The petitioner seeks for Mandamus directing the respondents 1 and 2 to complete the enquiry under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, as directed by this Court in W.P.(MD)No.21387 of 2017, dated 30.01.2018, with a consequential direction to the respondents 1 and 2 to remove the encroachment made by the fourth respondent, based on his representation, dated 28.01.2019.

2.Heard both sides.

3.The case of the writ petitioner is that the fifth respondent, as a hereditary trustee of Sri Sundara Ganesa Moorthy Trust, executed a sale agreement in favour of the petitioner on 30.06.2013 and however, he is evading execution of sale deed thereafter. It is further stated that the fifth respondent, on the other hand, filed a writ petition before this Court in W.P.(MD) No.21387 of 2017 for issuing a direction to the official respondents to initiate action against the writ petitioner herein under the Provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act for removal of the encroachment. It is further stated that though the said writ petition was subsequently withdrawn, this Court directed the Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Madurai, to proceed with the enquiry under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Therefore, the present writ petition is filed for early disposal of the said proceedings already initiated under Section 78 of the above said Act.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the above said proceedings is pending before the first respondent and therefore, it will be considered and decided on merits and in accordance with law, if sufficient time is granted to the first respondent. It is also stated that at present the office of the first respondent is vacant and therefore, six months time may be granted for disposal of the above proceedings.

5.Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the respective parties, this writ petition is disposed of by directing the first respondent to dispose of the proceedings pending under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, between the parties herein, on merits and in accordance with law, within a period of six months from the date of



W.P.(MD)No.3054 of 2019

receipt of a copy of this order, after hearing both parties. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

1.The Joint Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Madurai.

2.The Assistant Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Madurai.

3.The Commissioner,
Melur Municipality,
Melur Taluk, Madurai District.

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-80445[F] dated 07/08/2019)

+1 CC to M/s.V.B.SUNDHARESHWAR, Advocate (SR-80616[F] dated 08/08/2019)

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-80629[F] dated 08/08/2019)

+1 CC to M/s.SPL GP (SR-80672[F] dated 08/08/2019)

W.P. (MD)No.3054 of 2019

07.08.2019

_KK/SAR/28.08.2019/3P-8C/