

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.5921 of 2020
and WMP. Nos.6941 of 2020

T.Thirupuram

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Vellore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Kanchipuram.
4. The Executive Officer,
Arulmighu Kanchi Kamatchi Amman Koil,
Kanchipuram.
5. The Executive Officer,
Arulmighu Kumarakottam Koil,
Kanchipuram.

... Respondents

PRAYER: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 1st respondent to consider the petitioners' appeal dated 26.02.2020 and to dispose the appeal on merits and consequently direct the respondents not to take any coercive action to evict the petitioner from the property situated at No.7C, Kamatchi Amman West, Madaveethi, Kanchipuram - 631 502 till the disposal of the above appeal before 1st respondent.

For Petitioner : Mr.V.Sahaaana

For Respondents: Mr.M.Karthikeyan

Special Government Pleader

O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader accepts notice for the respondents.

2. Since a short point is involved, by consent of both parties, the Writ Petition is finally disposed even at the stage of admission.

3. The petitioner seeks a direction to the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai /R1 to dispose the appeal filed by her challenging the proceedings for eviction from the property situated at No.7C, Kamatchi Amman West, Madaveethi, Kanchipuram - 631 502 (property in question) and also for a direction that the petitioner should not be evicted therefrom till the disposal of her appeal.

4. Admittedly, the appeal is filed belatedly by a period of seven days. The petitioner, is a senior citizen aged 85, has sought condonation of delay in filing the appeal.

5. However, Mr.Karthikeyan, fairly states that the appeal is not belated, since the time for filing an appeal in terms of Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') is three months from date of receipt of the proceedings.

6. The provisions of Section 21, in terms of which the appeal appears to have filed by the petitioner provides at sub-section (6) thereof for the Commissioner to stay the execution of any decision or order of the nature referred to in sub-section (4)(1) (a) pending the exercise of his powers under sub-sections (2) or (3) or under clause (b) of sub-section (4). Mr.Karthikeyan is categoric to the effect that the Commissioner is entitled, in terms of Section 21(6) to take a decision as regards interim protection in the present case.

7. Thus the petitioner is permitted to file an application for stay before the Commissioner forthwith and appear before him on Monday, the 23rd of March, 2020 at 10.30 a.m. without expecting any further notice in this regard or an alternate date proximate to the same after issuing prior notice to the petitioner. After hearing the petitioner, orders shall be passed on the stay application within three (3) weeks from date of conclusion of personal hearing. The appeal shall be disposed within a period of twelve (12) weeks thereafter. Till such time the stay application is disposed, the possession of the petitioner shall not be disturbed.

8. The Writ Petition is disposed in the aforesaid terms.
No costs. Connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Vellore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.,
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4. The Executive Officer,
Arulmighu Kanchi Kamatchi Amman Koil,
Kanchipuram.
5. The Executive Officer,
Arulmighu Kumarakottam Koil,
Kanchipuram.

+1cc to Mr.V.Sahaaana & Saravanan, Advocate SR.No.20298

+1cc to Government Pleader (HR & CE) SR.No.20679

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GMV (13/03/2020)