

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.35731 of 2019
and
W.M.P.No.36641 of 2019

P.R.Narayanamoorthy

.. Petitioner

..Vs..

1.The State of Tamil Nadu,
Rep. by its Secretary,
Tamil Development and Religious Endowments Department,
Fort St George, Chennai-600 009.

2.The Commissioner,
The Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Road,
Chennai-600 034.

3.The Executive Officer,
Arulmigu Sreenivas Perumal Thiru Kovil,
Vathiyar Kandan Street,
Choolai, Chennai-600 112.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the third respondent in proceedings No. Nil, dated 04.12.2019 wherein the respondents has illegally and arbitrarily terminated the petitioner's family tenancy at property situated at No.36, Arni Muthu Mudali Street, Choolai, Chennai-600 112 and quash the same.

For Petitioner : Ms.P.Poornima

For Mr.Vijayanand Associate

For Respondent : Mr.M.Maharaja

Special Government Pleader (HR & CE)

O R D E R

Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice for respondents. By consent of the parties, the main writ petition is taken up for final disposal at the

admission stage itself.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorari, calling for the records of the third respondent namely the Executive Officer, Arulmigu Sreenivas Perumal Thiru Kovil, Chennai-600 112 with respect to the order dated 04.12.2019 wherein the respondents had illegally and arbitrarily terminated the petitioner's family tenancy at property situated at No.36, Arni Muthu Mudali Street, Choolai, Chennai-600 112 and quash the same.

3.The case of the petitioner is that he and his family are tenants of the property belonging to the Sreenivasa Perumal Thiru Kovil for the last 84 years. They were tenants of the property situated at No.36, Chennai-600 112, measuring to an extent of 1122 sq.ft., of land, which was occupied by their father from the year 1936 as a Tenant. It is stated that the property was to be transferred to his mother after the demise of the father in the year 1970. His mother died in the year 1989. Thereafter, from the year 1989 to till date the petitioner had been paying the rent in favour of the Temple authorities. However, it is stated that in the impugned order, the claim is for a sum of Rs.1,43,547/- as due to be paid as default rent amount from 01.07.2016 to 30.11.2019. Challenging the same, the present writ petition is filed.

4.The learned counsel for the petitioner submitted that the third respondent without considering the petitioner's reply dated 09.11.2019 had arbitrarily issued the present impugned order dated 04.12.2019, terminating the tenancy of the petitioner's family from 30.09.2019 onwards by falsely alleging that the petitioner and his family are encroaching the temple land. He further submitted that the third respondent who has no jurisdiction or Authority under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowment Act, has taken law into his hands and had malafidely with ulterior intention of utilizing the petitioner occupied property for his personal gain had issued the impugned order terminating the 84 years old tenancy of the petitioner's family.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstance of this case, this Court is inclined to direct the petitioner to give a representation along with entire documents and the second respondent is directed to once again verify the entire documents and to consider the representation submitted by the petitioner and thereafter pass appropriate order on or before 29.02.2020 in accordance with the law.

7.With the above observations the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Government of Tamil Nadu,
Tamil Development and Religious Endowments Department,
Fort St George,
Chennai-600 009.

2.The Commissioner,
The Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Road,
Chennai-600 034.

3.The Executive Officer,
Arulmigu Sreenivas Perumal Thiru Kovil,
Vathiyar Kandan Street,
Choolai, Chennai-600 112.

+1cc to Mr.G.Vijay Anand Associates, Advocate, S.R.No.794

+1cc to the Special Government Pleader(HR & CE), S.R.No. 1059

सत्यमेव जयते

W.P.No.35731 of 2019

SV(CO)

GN(14/02/2020)

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