

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Second day of June Two Thousand Twenty One

PRESENT

THE HON`BLE DR JUSTICE ANITA SUMANTH

WP.No.20432 of 2012

SRI SRI VENGEESWARAR ALAGARPERUMAL, [PETITIONER]
AND NAGATHAMMAN KOIL DEVASTHANAM,
REP.BY ITS HEREDITARY TRUSTEE,
P.CHAMUNDESWARI, SAIDAPET ROAD,
VADAPALANI, CHENNAI-26.
(CAUSE TITLE AMENDED VIDE ORDER
DT 18.01.2021 MADE IN WMP.24700/2020
IN WP.20432/2012 BY ASMJ)

Vs

1 THE COMMISSIONER [RESPONDENTS]
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, UTHAMAR GANDHI ROAD,
NUMBGAMBAKKAM, CHENNAI 34.

2 THE JOINT REGISTRAR
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, UTHAMAR GANDHI ROAD,
NUMBGAMBAKKAM, CHENNAI 34.

3 THE DISTRICT REGISTRAR
OFFICE OF THE REGISTRATION CENTRAL MADRAS,
PYCROFTS ROAD, TRIPLICANE, CHENNAI-600005.

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ, order or direction particularly in the nature of writ of mandamus, directing the 1st respondent to constitute the permanent committee with the time schedule to take up the fixation of fair rent in respect of the petitioner temple as per the provisions of Sec.34-A of H.R. & C.E Act (in WP.No.20432 of 2012).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.PL.NARAYANAN, Advocate for the petitioner and of MR.NRR.ARUN NATARAJAN, Government Advocate on behalf of the 1st & 2nd Respondents and the 3rd respondent not appearing either in person or by an Advocate, the court made the following order:-

Compliance report dated 21.06.2021 by way of affidavit has been filed by the second respondent/the Joint Commissioner reporting the constitution of the Committee in terms of Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') comprising the Joint Commissioner, Executive Officer of the Sri Sri Vengeeswarar Alagarperumal and Nagathamman Koil Devasthanam and the concerned District Registrar.

2. One point raised by the learned counsel for the petitioner is that the trustees should have been made part of the Committee, in preference over the Executive Officer. However, I find that as per the provisions of Section 34A of the Act, either the trustee or the Executive Officer may be part of the Committee and thus, I find no infirmity in the placement of the Executive Officer as part of the Committee.

3. The compliance report states that as regards the 27 building tenants, orders have been passed fixing the fair market value of the properties. Out of 112 land tenants, in the case of 24 matters are stated to be subjudice before the Supreme Court and an order of status quo has been obtained by them. As regards the remaining 88 land tenants, enquiry is stated to be on-going and the process of fixation of fair rent will be completed within one week from today.

-sd/-
22/06/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, UTHAMAR GANDHI ROAD,
NUMBGAMBAKKAM, CHENNAI 34.

2 THE JOINT REGISTRAR
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, UTHAMAR GANDHI ROAD,
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3 THE DISTRICT REGISTRAR
OFFICE OF THE REGISTRATION CENTRAL MADRAS,
PYCROFTS ROAD, TRIPPLICANE, CHENNAI-600005.

Order
in

WP.No.20432 of 2012

Date: 22/06/2021

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