

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.6431 & 2021 &
WMP. Nos.7018, 7019 & 7020 of 2021

S.Jothi Vs. ... Petitioner

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

2.The Joint Commissioner/Executive Officer,
Arulmigu Kabaleeshwarar Temple,
Mylapore, Chennai-600 004. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari calling for the records of the impugned order in Na.Ka.No.1436/2004/A4 dated 14.02.2020 passed by the 2nd Respondent - The Joint Commissioner, Arulmigu Kabaleeshwarar Temple, Mylapore, Chennai-600 004 quash the same.

For Petitioner : Mr.S.Giridharan
for Mr.E.Sridharan
For Respondents : Mr.R.Venkatesh,
Government Advocate

ORDER

Mr.R.Venkatesh, learned Government Advocate accepts notice for the respondents and is armed with instructions to proceed with the matter.

2. The impugned order is dated 14.02.2020 calling upon the petitioner to remit arrears of rent under threat of initiation of proceedings in terms of Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') in regard to the property at Door No.4, VenkateshaAgraharam Street, Market Building, Mylapore, Chennai-60004 (premises in question).

3. The writ petition is hit by laches. That apart, the petitioner, despite not having complied with the demand under

impugned communication, continues in possession of the premises in question claiming a right under a permission order dated 01.02.1996 issued by the Commissioner, HR&CE, that does not appear to have been extended as contemplated in terms of Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Since this matter involved disputed facts, it is best left to the Authorities to decide the same and I hence, decline to interfere.

4. Recording the aforesaid, this writ petition is dismissed. Let proceedings continue in accordance with law. Connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Commissioner,

Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.

2.The Joint Commissioner/Executive Officer,

Arulmigu Kabaleeshwarar Temple,
Mylapore, Chennai-600 004.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR.NO. 16492

+1CC TO MR.E.SRIDHARAN,ADVOCATE, SR.NO. 16330

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PL(CO)

KK 16.04.2021