

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

C O R A M

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

Writ Petition No.11335 of 2021
a n d
W.M.P.No.11978 of 2021

Valli ... Petitioner

Vs

1. The Commissioner
Hindu Religious & Charitable Endowments Department
Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034.
2. The Executive Officer
Arulmigu Masalamanisvarar Temple
Thirumolaivayul
Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents from disturbing the peaceful possession and running in any manner of the shop situated opposite to Eries Magnetic India Ltd., situated in S.No.274 Athipattu Village, Ambattur Taluk, Chennai, pursuant to the representation dated 27.4.2021.

For petitioner ... Mr.T.Muruganantham

For respondents ... Mr.T.N.Pappiah
Special Government Pleader

O R D E R

The prayer sought for herein is for a writ of mandamus, forbearing the respondents from disturbing the peaceful possession and running in any manner of the shop situated opposite to Eries Magnetic India Ltd., situated in S.No.274 Athipattu Village, Ambattur Taluk, Chennai, pursuant to the representation dated 27.4.2021.

2. The petitioner claimed to have been running a bunk shop at S.No.274, Athipattu Village, Ambattur Taluk, Chennai, which is according to the petitioner, next or adjacent to the property of the second respondent Temple.

3. However, according to the petitioner, the second respondent Temple claiming that, the land wherein the bunk shop has been placed by the petitioner, belongs to the second respondent temple and in that pretext, they wanted the petitioner to vacate the shop. In this regard, the petitioner has given a representation to the first respondent with the copy marked to the second respondent on 27.04.2021 stating that, the land where the bunk shop has been placed by the petitioner does not belong to the second respondent temple.

4. Therefore, in this context, the said representation was given to consider the request of the petitioner and to ensure that the second respondent does not make any attempt to interfere with the peaceful possession and enjoyment of the petitioner in running the bunk shop. The said representation since was not considered, the petitioner has filed the present writ petition with the aforesaid prayer.

5. Heard Mr.T.Muruganantham, learned counsel for the petitioner who seeks indulgence of this Court by reiterating the aforesaid facts and to give a suitable direction to the first respondent to decide the representation of the petitioner.

6. Heard Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents who would submit that, the land where the petitioner claimed to have put up the bunk shop belongs to the second respondent temple. However, it is now claimed by the petitioner that, it does not belong to the second respondent. Anyhow, in this regard, the plea raised by the petitioner through his representation dated 27.04.2021 would be considered and decided on merits by the first respondent within a time frame.

7. Considering the said submissions made by both sides and the innocuous nature of the prayer sought for, only to consider the representation of the petitioner and to pass orders thereon, on merits, this Court is inclined to pass the following order:-

That there shall be a direction to the first respondent to consider the representation of the petitioner dated 27.04.2021 and pass orders thereon, on merits and in accordance with law, by giving notice to both the petitioner as well as the second respondent, within a period of eight weeks, from the date of receipt of a copy

of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition No.11978 of 2021 is closed.

Sd/-
Assistant Registrar
(Vacation Officer)

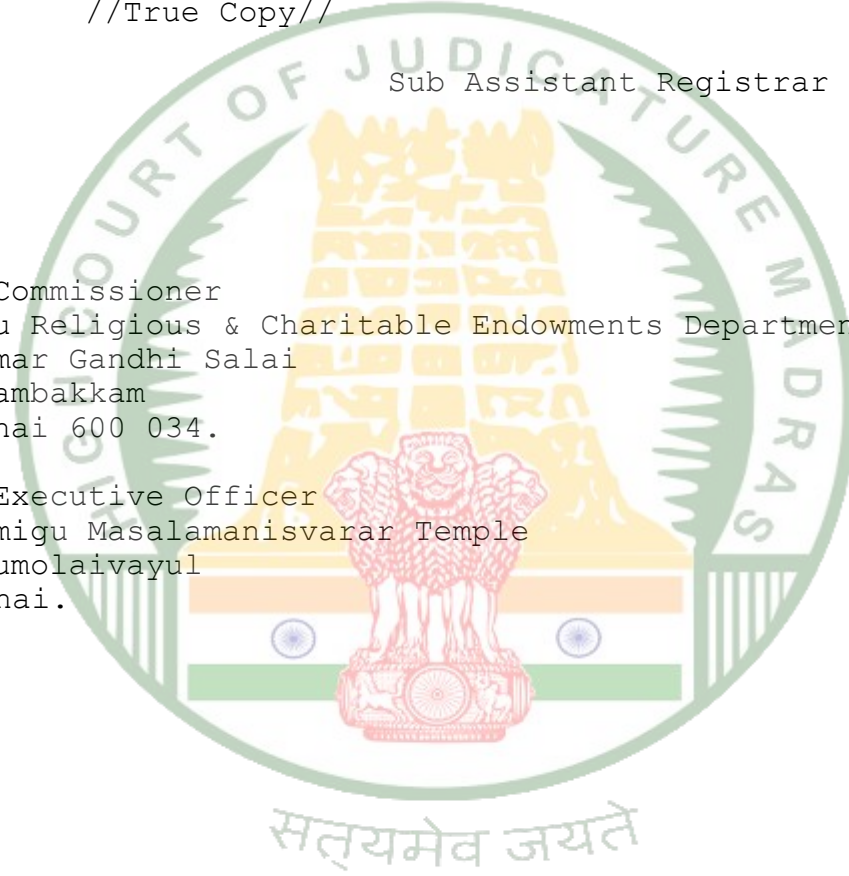
//True Copy//

Sub Assistant Registrar

mvs/tsvn.

To

1. The Commissioner
Hindu Religious & Charitable Endowments Department
Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034.
2. The Executive Officer
Arulmigu Masalamanisvarar Temple
Thirumolaivayul
Chennai.



W.P.No.11335 of 2021

WEB COPY

RR(CO)
baf 17/05/2021