

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2021

CORAM:

THE HON'BLE Dr.JUSTICE ANITA SUMANTH

W.P. No.14528 of 2020

R.Mathiyazhagan
Partner: M/s.Golden M Sand,
Thirumangai Azhvarpuram,
Thiruneermalai,
Chennai-44.

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.
- 3.The Executive Officer,
M/s.Sree Ranganatha Perumal Temple,
Thiruneermalai Village, Pallavaram Taluk,
Chengapapet.
- 4.N.P.L.Sampath

5.N.P.L.Sekar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 22.07.2020 for assigning tax in the name of their business viz. M/s. Golden M-Sand for the 3rd respondent Temple and measuring an extent of 1 acre and 85 cents comprised in S.No. 251 of Thiruneermalai Village Pallavaram taluk Chengalpet District.

For Petitioner : Mr.S.Arivazhagan

For Respondents: Mr.M.Karthikeyan (for R1 & R2)
Special Government Pleader
R3 - No Appearance
R4 & R5 - Unserved

ORDER

Heard Mr.S.Arivazhagan, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader for R1 & R2. No appearance for Executive Officer/R3. Though notice and private notice were permitted upon R4 and R5, the service report reveals that the notices have been returned as unserved with the endorsement 'insufficient address'. However non-completion of service on R4 & R5 may not be material, in the light of the order passed.

2.The prayer is for a mandamus directing the official respondents as well as the Executive Officer of the Sree Ranganatha Perumal Temple, Thiruneermalai Village, Pallavaram Taluk (Temple) to consider the representation of the petitioner dated 22.07.2020 for assigning tax in the name of the petitioners' business in respect of land belonging to the petitioner ad-measuring an extent of 1 acre and 85 cents comprised in S.No.251 of Thiruneermalai Village, Pallavaram Taluk, Chengalpeta District (property/property in question).

3. Upon instructions, Mr.Karthikeyan would state that the petitioner is a sub-lessee of the property in question and Section 78 proceedings have, in fact, been initiated as against the lessees from whom the petitioner has obtained possession and enjoyment of the property in question. Thus according to him, the petitioner has no locus standi whatsoever to put forth any claim in respect of the property.

4.Be that as it may, since, Section 78 proceedings are on-going as against the original lessees of the property, let the representation of the petitioner dated 22.07.2020 be heard as part and partial of the proceedings and disposed in the light of the order passed in those proceedings, which should be concluded as expeditiously as possible.

5.The mandamus has sought for is not liable to be granted in the circumstances as noted above. This writ petition is dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.
 - 3.The Executive Officer,
M/s.Sree Ranganatha Perumal Temple,
Thiruneermalai Village, Pallavaram Taluk,
Chengapapet
- +1 CC to Mr.S.Ariyazhagan, Advocate sr 10627.

W.P. No.14528 of 2020

GPL (CO)
SP (17/03/2021)



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