



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.Nos.17620, 17625, 17627, 17630, 17632 of 2021

&

W.M.P.Nos.18771, 18773, 18757, 18763, 18766 of 2021

Rajendrakumar	...Petitioner in W.P.No.17620/2021
K.Kamalakannan	...Petitioner in W.P.No.17625/2021
A.Kuberan	...Petitioner in W.P.No.17627/2021
B.Loganathan	...Petitioner in W.P.No.17630/2021
R.Sugumar	...Petitioner in W.P.No.17632/2021

Vs.

1. The Joint Commissioner
Chennai Zone-1
HR & CE Department
No.127, Yadhaval Street
Padi, Chennai - 600 050

2. The Assistant Commissioner
Chennai Zone-1
HR & CE Department
No.127, Yadhaval Street
Padi, Chennai - 600 050

3. The Executive Officer
Arulmighu Sowmiya Dhamodharaperumal Thirukoil
Konoor, Villivakkam
Chennai - 19

...Respondents in all W.Ps

Common Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondents 1 and 2 to dispose the representation of the petitioner dated 14.08.2021 and permit the petitioner to run the shop.

For Petitioner : Mr.B.Kumarasamy(in all W.Ps)



For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate (HR & CE)
(in all W.Ps)

WEB COPY

COMMON ORDER

This common order will dispose of captioned five writ petitions and 'Writ Miscellaneous Petitions' ('WMPs' in plural and 'WMP' in singular for the sake of brevity).

2. Mr.B.Kumarasamy, learned counsel for writ petitioners in captioned five writ petitions is before this Virtual Court. Captioned writ petitions are listed in the admission Board i.e., under the caption 'FOR ADMISSION' and when the matters were taken up, Mr.N.R.R.Arun Natarajan, learned State counsel accepted notice on behalf of all the three respondents.

3. This Court, with the consent of learned counsel on both sides i.e., learned counsel for writ petitioner and learned State counsel, took up the captioned main writ petitions for disposal. Owing to the narrow compass on which the matters turn, it is not necessary to dilate much on facts. In other words, short facts shorn of elaboration will suffice.

4. Factual matrix in a nutshell is that the writ petitioners are lessees under 'Arulmighu Sowmiya Dhamodharaperumal Thirukoil at Konoor, Villivakkam' (hereinafter 'said temple' for the sake of convenience) in respect of various demised portions; that the third respondent i.e., Executive Officer of said temple issued individual notices dated 06.08.2021 to the writ petitioners/lessees; that these individual notices inter alia say that the lease is terminated and call upon the writ petitioners/lessees to deliver possession of the respective demised portions and more importantly, says that proceedings under Section 78 of 'The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity] would be initiated; that the petitioners have not challenged the individual notice sent to the writ petitioners, but the writ petitioners have chosen to send individual representations dated 14.08.2021 (Saturday) and have come up with captioned writ petitions which have been filed two working days later i.e., on 18.08.2021 (to be noted, 15.08.2021 is Sunday and Independence day). The prayer in the writ petitions is mandamus simpliciter qua Respondents 1 and 2 to dispose of the representations.

5. However, as the matter turns on narrow compass and as disposal of representations will create a separate tributary, which will only protract the matter, in the interest of both



३.५ प्रत्येक अर्थी

d) Though obvious, it is made clear that no opinion or view on the rival contentions and merits of the matter is expressed in this order and all questions are left open to be adjudicated, canvassed and decided by the quasi judicial Authority in exercise of powers under Section 78 of TNHR & CE Act.



All writ petitions are disposed of with above directives. Consequently, the connected WMPs are also closed. There shall be no order as to costs.

WEB COPY

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

gpa

To

1. The Joint Commissioner
Chennai Zone-1
HR & CE Department
No.127, Yadhaval Street
Padi, Chennai - 600 050

2. The Assistant Commissioner
Chennai Zone-1
HR & CE Department
No.127, Yadhaval Street
Padi, Chennai - 600 050

3. The Executive Officer
Arulmighu Sowmiya Dhamodharaperumal Thirukoil
Konoor, Villivakkam
Chennai - 19

+5 Ccs to Mr.B.Kumarasamy, Advocate sr 42244 to 42248

+1 CC to The Government Pleader sr 42796 to 42800.

W.P.Nos.17620, 17625, 17627, 17630, 17632 of 2021 &
W.M.P.Nos.18771, 18773, 18757, 18763, 18766 of 2021

GPL (CO)
SP (09/09/2021)