



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.20099 of 2020

B.Sukumar

... Petitioner

Vs

1. The Commissioner,
HR & CE.,
No.110, Uthamar Gandhi Road,
Chennai - 600 034.
2. The Executive Officer,
Admin Office: Arulmigu Sokkavel,
Subramaniya Thirukoil,
Angala Parameswari,
Kasi Viswanathar Thirukoil,
No.5, South Mada Street, Choolai,
Chennai 600 007.
3. Tmt.P.Yasodha
4. Mr.A.Arunachalam
5. M.A.Velayudham (Died)
6. Mr.A.Murugesan
7. Mr.P.V.Nithyanandam

(R7 Substitued in the place of A.Velayudham (R5) (Died)
as per order dated 21.06.2021 in WMP. No.13756 of 2021)

... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the 1st respondent to consider the representation dated 28.09.2020 sent to the 2nd respondent.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.TNC.Kaushik

Government Advocate for R1 & R2

No Appearance for R3, R4 & R6

Mr.Venkatesh for

Mr.V.Raghupathi for R7



O R D E R

Heard Mr.S.Natarajan, learned counsel for the petitioner, Mr.TNC.Kaushik, learned Government Advocate for R1 and R2 and Mr.Venkatesh, learned counsel appearing for Mr.V.Raghupathi, learned counsel for R7. Though service is complete on R3, R4 and R6 and the name of the learned counsel is printed in the cause list, there is no appearance on their behalf.

2. The petitioner prays for a writ of mandamus directing the Commissioner, Hindu Religious and Charitable Endowments Department/R1 to consider his representation dated 28.09.2020 sent to the Executive Officer, Arulmigu Sockavel Subramaniya Thirukoil, Angala Parameswari, Kasi Viswanathar Thirukoil, No.5, South Mada Street, Choolai, Chennai 600 007./R2 (temple/temple in question) and pass orders in that regard.

3. The subject matter of the representation, which is also the subject matter of the present Writ Petition, is that the properties of the temple bearing Door Nos.8, 19/1, 19/2 and 20 standing at Subba Naidu Street, Choolai, Chennai - 600 112 have been allotted to the private respondents, Door No.8, allotted to P.Yasodha, 3rd Respondent herein, Door No.19/1, allotted to A.Arunachalam, 4th respondent herein, Door No.19/2, allotted to A.Velayudha mudaliar (Died) 5th respondent herein and Door No.20, allotted to A.Murugesan.

4. The petitioner alleges that the private respondents have not been remitting rents to the temple. Thus, since he is an erstwhile trustee and also for the reason that he is interested in the welfare of the temple, he has applied under Right to Information Act and obtained particulars in regard to the rental arrears.

5. I desist from referring to the details of the rents payable for the reason that in the status report filed by the second respondent, the position that the private respondents are in arrears of rent is not in dispute. It is thus an admitted position that the private respondents are wilful defaulters. Learned counsel for the HR & CE Department also confirms that proceedings in terms of Section 78 of the Hindu Religious and Charitable Endowments Act, 1951 (in short 'Act') have been initiated against the erring tenants that are in progress.

6. Admittedly progress has been slowdown on account of the on-going COVID -19 pandemic. However, the authorities are expected to take action as expeditiously as possible in regard to the Section 78 proceedings in accordance with all Standard Operating Procedures and Regulations applicable.



7. In the light of the allowance of the substitution petition in WMP No.13756 of 2021, the Executive Officer of the temple in question shall issue Section 78 notice afresh to the legal heirs of R5 and proceedings conducted in accordance with law.

8. The Executive Officer will specifically examine whether all lessees, including the legal heirs of R5, have any privity of contract qua themselves and temple authorities and whether the arrangement is in accordance with the provisions of Section 34 of the Act and a finding should be given in this regard in the order to be passed under Section 78 of the Act.

9. With the aforesaid direction, nothing further survives in this Writ Petition, as the mandamus sought for stands achieved. The Writ Petition stands closed. No costs.

10. List on 21.09.2021 for reporting compliance.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
HR & CE.,
No.110, Uthamar Gandhi Road,
Chennai - 600 034.
2. The Executive Officer,
Admin Office: Arulmigu Sakkavel,
Subramaniya Thirukoil,
Angala Parameswari,
Kasi Viswanathar Thirukoil,
No.5, South Mada Street, Choolai,
Chennai 600 007.



Copy To:

The Posting Clerk, Writ Section
High Court, Madras-104.

(For reporting compliance on 21.09.2021)

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+3ccs to Mr.M.Kamalakannan, Advocate, S.R.No.28553

+1cc to Mr.V.Raghupathi, Advocate, S.R.No.28626

W.P. No.20099 of 2020

GPL (CO)

PM(28/07/2021)