



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. NO.2040 OF 2017

AND

WMP. NO.2029 OF 2017

Mr.S.Thanigaivel

...Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Tourism and Culture and Hindu Religious
and Charitable Endowments Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious
and Charitable Endowments Department,
Mahatma Gandhi Road, Nungambakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
HR & CE Department,
Vellore.
- 4.The Assistant Commissioner,
HR & CE Department,
Kanchipuram.
- 5.The Executive Officer,
Arulmighu Sathiyanaatha Swamy Thirukoil,
Thirukkalimedu, Kanchipuram.
- 6.Present Trustee,
Arulmighu Sathiyanaatha Swamy Thirukoil,
Thirukkalimedu, Kanchipuram.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari, to call for the records relating to the impugned Government order issued by the 1st Respondent in G.O.Ms.No.284 dated 15.12.2016 Tourism, Culture and Hindu Religious and Charitable Endowments Department, Fort St. George, Chennai and to quash the same.



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For Petitioners : Mr.S.Jayakumar
For Respondents : Mr.NRR.Arun Natarajan,
Government Advocate for R1 to R4
Mr.J.Ram for R5

O R D E R

The challenge in this writ petition is to proceedings dated 15.12.2016 passed under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'). The petitioner is an individual, residing at No.214/1D, Periyathottam Street, Nasarathpettai Village, Kanchipuram District. He was admittedly in occupation of land belonging to the Arulmighu Sathiyanaatha Swamy Thirukoil, Thirukkalimedu, Kanchipuram at S.No.1509, admeasuring 6037 sq.ft. (property/property in question).

2. Proceedings had been initiated under Section 78 of the Act, calling upon the petitioner to remit a sum of Rs.1,50,000/- towards arrears of rent for occupation of the property for the period from 01.02.2011 to 30.6.2011. The proceedings as aforesaid had come to be challenged by the petitioner, ultimately culminating in the impugned order. No case is made out for intervention in the impugned order which stands confirmed.

3. That apart, Mr.NRR.Arun Natarajan, learned Government Advocate appearing for the official respondents was asked to verify and file a report on the following three aspects (i) if and when possession was taken of the property in question (ii) what is the property being used for till date (iii) whether there is any auction proposed in regard to the property in question.

4. He has filed a memo dated 14.07.2021 enclosing (i) copy of miscellaneous receipt issued to the petitioner upon his settlement of the rental arrears (ii) order of Fair Rent Fixation (iii) auction proposal dated 09.04.2021 and (iv) written instruction of the 5th respondent/Executive Officer (EO). The EO also confirms the position that the petitioner is no longer in possession or occupation of the said premises and fixation of fair rent has been done under order dated 29.10.2020. The petitioner has settled the amounts demanded under the Section 78 proceedings and though auction had been fixed on 09.04.2021, I am given to understand that the same did not take place and stands postponed.

5. As far as the participation of the petitioner in the auction of the property is concerned, in light of the confirmation by Mr.Arun Natarajan, on instructions, that the



petitioner is not anymore in arrears of rent for the period when he was in occupation of the property, I see no impediment in him participating in the auction.

6. This writ petition is dismissed. Connected Miscellaneous Petition is also dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

rkp

To

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- 6.Present Trustee,
Arulmighu Sathiyanaatha Swamy Thirukkoil,
Thirukkalimedu, Kanchipuram.

+1cc to M/s.S.Jayakumar, Advocate SR.No.34458

+1cc to the Government Pleader SR.No.35355

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and WMP. No.2029 of 2017

KSM(CO)
RVM(02/11/2021)