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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.NOS.12437 & 12438 OF 2017

AND

W.M.P.NOS.13206 TO 13209 OF 2017

M.Saravanan

... Petitioner in both WPs

.Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Chennai - 600 0034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department, Salem.
3. The Executive Officer,
Arulmighu Selliamman, Mariamman Temple,
Kumarasamy Pettai,
Dharmapuri District & Taluk. ... Respondents in both WPs

PRAYER:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records of the 3rd respondent pertaining to his notice dated 16.4.2017 and quash the same and direct the respondents to refix the rent for the premises measuring (i) 4095 sq.ft., (ii) 1670 sq.ft. respectively in S.No.392/2 of Vellegoundenpalayam Village belonging to the temple.

For Petitioner : Mr.M.Selvam
in both WPs

For Respondents : Mr.NRR.Arun Natarajan
in both WPs Government Advocate

C O M M O N O R D E R

Captioned writ petitions were taken up together at the request of both sides though WP.No.12437 of 2017 is listed as item no.3 and WP.No.12438 of 2017 is listed as item no.8.



2. 'WP.No.12437 of 2017' shall hereinafter be referred to as 'I WP' and 'WP.No.12438 of 2017' shall hereinafter be referred to as 'II WP' for the sake of brevity, convenience and clarity.

3. In the I WP, there was no representation for three listings consecutively and therefore, it was directed to be listed under the caption 'FOR DISMISSAL'. Mr.M.Selvam, learned counsel for writ petitioner expresses regret for non appearance in the previous listings and submits that he could not represent the matter in the previous listings owing to some personal inconvenience. Ideally, some alternate arrangements should have been made, but I deem it appropriate to leave it at that as captioned matters will now stand disposed of by this common order.

4. Notwithstanding expansive prayer in the captioned writ petitions, learned counsel for writ petitioner very fairly submits that proceedings under Section 78 of 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' (hereinafter 'TN HR & CE Act' for the sake of brevity) have since been commenced before the jurisdictional Joint Commissioner i.e., second respondent in both writ petitions and the Section 78 proceedings in I WP is No.62-63/2017/A1 and in II WP is No.38-45/2019/A1.

5. Mr.NRR.Arun Natarajan, learned State counsel on instructions submits that it is factually correct to say that Section 78 proceedings have been kick started against the writ petitioner in both the captioned writ petitions and the same are now being heard out by second respondent in both the captioned writ petitions.

6. Learned counsel for writ petitioner, notwithstanding the expansive prayer, would submit that it will suffice if this Court leaves open all questions to be canvassed in Section 78 proceedings and disposes of the captioned writ petitions on these lines. This submission is recorded.

7. Captioned writ petitions are therefore disposed of in the following manner:

- a) Second respondent shall hear out 62-63/2017/A1 and 38-45/2019/A1 being proceedings under Section 78 of TN HR & CE Act on their own merits, in accordance with law and conclude the same as expeditiously as possible and in any event, within three(3) months from today i.e., on or before 24.12.2021;



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b) It is made clear (though obvious) that no opinion or view has been expressed in this order on the merits of the matter;

c) A sequitur to the above is, all questions, issues including questions, issues raised in the captioned writ petitions are left open for the parties to be canvassed before second respondent-Joint Commissioner in the aforementioned Section 78 proceedings.

8. Owing to the fair stand taken by the learned counsel for writ petitioner in both the captioned writ petitions, captioned writ petitions are disposed of with the aforementioned directives. Consequently, connected WMPs are also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Chennai - 600 0034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Salem.
3. The Executive Officer,
Arulmighu Selliamman, Mariamman Temple,
Kumarasamy Pettai,
Dharmapuri District & Taluk.

+1cc to the Government Pleader, S.R.No.49617

W.P.NOS.12437 & 12438 OF 2017 AND
W.M.P.NOS.13206 TO 13209 OF 2017

PVS(CO)
PBS/25/10/2021