



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.11596 of 2021

Madurai Sidha Vaidhya Sangam,
rep. by its Secretary,
S.Gurunathan,
S/o. K.V.Suriyamoorthy,
Plot No.4861, TNHB Colony,
Villapuram,
Madurai - 625 011.

... Petitioner

Vs.

- 1.The Additional Secretary,
Government of Tamil Nadu,
Hindu Religious & Charitable Endowment,
Tourism and Culture Department,
Chennai.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Chennai - 600 034.
- 3.The Joint Commissioner,
A/m.Meenakshi Sundareshwarar Temple,Madurai - 625 001.
- 4.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
H306 TNHB Colony,
Ellis Nagar, Madurai - 625 016.
- 5.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
H306 TNHB Colony,
Ellis Nagar, Madurai - 625 016. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining in the impugned order in Government Letter (P.A) No.67 dated 23.03.2021 on the file of the 1st respondent and quash the same as a illegal and further order to the respondents to allot the premises to our Sangam is located at D.No.6 Travelers Bungalow, Theni-Bodi Road, Madurai and further direct the respondents to fix the rent as per law.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.R.Suresh kumar for RR1, 2, 4 & 5
Government Advocate

Mr.VR.Shanmuganathan for R3



ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent, dated 23.03.2021 and for a consequential direction to the respondents to allot the premises to the Sangam in order to carry on with its functions.

2.The case of the petitioner is that the property in question was allotted by the temple for the purpose of carrying on with Sidha Vaidhyam. Subsequently, there was some misunderstanding among the members, which resulted in arrears of rent. The non payment of rent was made as a ground by the third respondent to declare the Sangam as an encroacher and there upon proceedings were initiated under Sections 78 & 79 of the Hindu Religious and Charitable Endowments Act, to evict the petitioner Sangam.

3.The eviction notice was put to challenge before the second respondent and the second respondent by order, dated 15.04.2016, dismissed the revision.

4.The further case of the petitioner is that the order passed by the second respondent was challenged before the first respondent with a delay and the first respondent by order, dated 23.03.2021, has dismissed the appeal on the ground that the petitioner has approached with a delay of 990 days. Aggrieved by the same, the present writ petition has been filed before this Court.

5.Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents 1, 2, 4 & 5 and Mr.V.Shanmuganathan, learned counsel appearing for the third respondent.

6.It is brought to the notice of this Court that the third respondent has already taken possession of the property, on 09.02.2016. Even in the affidavit filed in support of the writ petition, it has been pleaded that there was a problem among the members of the Sidha Vaidhya Sangam and the Madurai Sidha Vaidhya Sangam had stopped its functioning due to this problem. It is after the petitioner taking over the charge as Secretary, an attempt has been made to revive the Sangam.

7.In the considered view of this Court, once steps have been taken by the respondents to evict the petitioner Sangam on the ground that the Sangam has become an encroacher due to non payment of rent and the possession has also been taken over, this Court is not inclined to interfere with the proceedings of the respondents. The third respondent is duty bound to put the property for a better use in order to earn income for the temple. Just because a new person has taken over as Secretary of the Sangam, that will not revive the cause of action and the relief claimed by the petitioner



cannot be granted by this Court. This Court does not find any ground to interfere with the impugned order passed by the first respondent.

8.This writ petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional Secretary,
Government of Tamil Nadu,
Hindu Religious & Charitable Endowment,
Tourism and Culture Department,Chennai.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
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- 5.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
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Ellis Nagar,Madurai - 625 016.

+1 CC to M/s.SPL GP (SR-22525[F] dated 14/07/2021)

+1 CC to M/s.V.R.SHANMUGANATHAN, Advocate (SR-22713[F] dated 15/07/2021)

W.P. (MD) .No.11596 of 2021

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RD(20.07.2021) 3P 8C