



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14622 of 2021

and

WMP(MD).No.11555 of 2021

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... Petitioner

Vs.

1. The Executive Officer,
Arulmighu Chakrapani Thirukkoil,
Kumbakonam Town and Taluk,
Thanjavur District.
2. Assistant Commissioner,
Hindu Religious and Charitable
Endowments, Kumbakonam,
Thanjavur District.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments, Myladuthurai,
Thanjavur District.
4. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai - 34.
5. The Secretary to Government,
Tourism Culture and Hindu Religious
Endowments Department,
Chennai - 34.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent to dispose of the Revision Petition filed by the petitioner dated 30.09.2020 and received by the fifth respondent on 13.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents : Mr.P.Subbaraj,
Counsel for State for R2 to R5

Mr.V.Chandrasekar for R1



O R D E R

The petitioner seeks a direction for the disposal of the revision petition filed before the fifth respondent dated 30.09.2020.

2. The petitioner claims that she is a tenant of land belonging to the Arulmighu Chakrapani Temple. According to the petitioner, one Renganathan was the recorded tenant. He surrendered the leasehold rights to the petitioner's husband. The petitioner asserts that she is in possession of the relevant property for the past forty years.

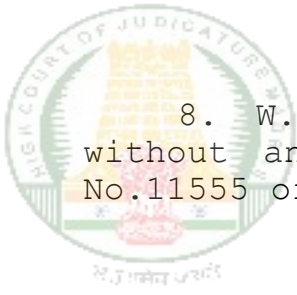
3. Proceedings were initiated against the petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (the Act of 1959), which culminated in an order dated 10.07.2019 issued by the third respondent. Such order was challenged before the fourth respondent who dismissed the petitioner's appeal on 10.07.2020. The appellate order is the subject matter of the revision petition filed before the fifth respondent on 30.09.2020. The petitioner seeks the expeditious disposal thereof.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 2 to 5 and Mr.V.Chandrasekar, learned counsel, accepts notice on behalf of the first respondent-Executive Officer.

5. At the time of admission, it was noted that the petitioner is entitled to seeks a stay before the Government under Section 114 (2) of the Act of 1959. Nevertheless, in view of the imminent threat of dispossession, an interim injunction was granted restraining the dispossession of the petitioner from the relevant premises for a period of two weeks.

6. At the hearing today, learned counsel for the State submits that the fifth respondent may be directed to dispose of the pending revision petition within a stipulated time limit. Until such time, he states that interim protection may be provided to the petitioner.

7. Accordingly, without going into the merits of the dispute, the fifth respondent herein is directed to consider the petitioner's revision petition and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the temple concerned. Such reasoned order shall be issued within a period of two months from the date of receipt of a copy of this order. Until such time, no coercive action shall be taken to dispossess the petitioner from the relevant premises.



8. W.P(MD).No.14622 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected WMP(MD). No.11555 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

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