



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1789 of 2021

WEB COPY

Madurai Sidha Vaidhya Sangam,
Rep. by its Secretary,
S.Gurunathan

... Appellant / Petitioner

Vs.

1.The Additional Secretary,
Government of Tamil Nadu,
Hindu Religious and Charitable Endowment,
Tourism and Culture Department,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 034.

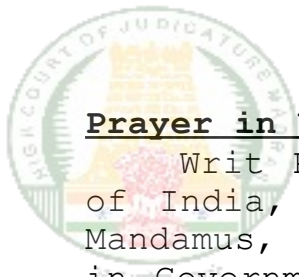
3.The Joint Commissioner,
A/m.Meenakshi Sundareshwarar Temple,
Madurai - 625 001.

4.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
H306 TNHB Colony,
Ellis Nagar,
Madurai - 625 016.

5.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
H306 TNHB Colony,
Ellis Nagar,
Madurai - 625 016.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 13.07.2021 made in W.P(MD)No.11596 of 2021 on the file of this Court.

**Prayer in WP(MD). 11596/ 2021 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 passed necessary order and thus render justice.

For Appellant : Mr.A.Satheesh Murugan
For RR 1, 2, 4 & 5 : Mr.P.Thilak Kumar
Government Pleader
For R - 3 : Mr.VR.Shanmuganathan

JUDGMENT

(Judgment of the Court was delivered by **M.DURAI SWAMY, J.**)

The writ petitioner has filed the above Writ Appeal, challenging the order passed in W.P(MD)No.11596 of 2021, dated 13.07.2021.

2.The appellant filed the Writ Petition challenging the impugned proceedings of the first respondent dated 23.03.2021 and for consequential direction to the respondents to allot the premises to the Sangam in order to carry on with its functions.

3.It is the case of the appellant / writ petitioner that the property in question was allotted by the Temple for the purpose of carrying on with Sidha treatment centre. Subsequently, the appellant committed default in paying the monthly rents and the default committed by them was made as a ground by the third respondent to declare the Sangam as an encroacher. Thereafter, proceedings under Sections 78 & 79 of the Hindu Religious and Charitable Endowments Act was initiated to evict the appellant from the property in dispute. The notice issued by the third respondent was challenged by the appellant before the second respondent, who also dismissed the revision on 15.04.2016. Challenging the order passed by the second respondent, the appellant preferred an appeal before the first respondent with a delay of 990 days. The first respondent by order dated 23.03.2021 declined to entertain the delay for the reason that the appellant had filed the appeal with an inordinate delay of 990 days. Aggrieved over the order passed by the first respondent, the appellant has filed the Writ Petition.

4.The learned Single Judge while dismissing the Writ Petition <https://hds.courts.ecm.gov.in/hdscomics/> considered the fact that the third respondent has



already taken possession of the property on 09.02.2016. The learned Single Judge also observed that just because a new person has taken over as a Secretary of the Sangam that will not revive the cause of action. The reasoning given by the learned Single Judge is perfectly correct.

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5. When the third respondent has already taken possession of the property and that the appellant has not made out a case for granting any relief in the Writ Petition, we do not find any reason to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is devoid of merits and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar (CS)

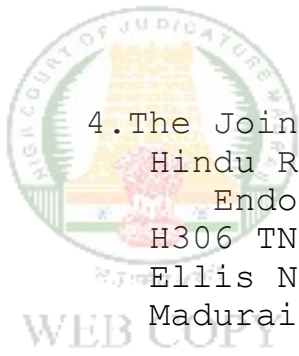
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Note :

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 and Charitable Endowment,
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Chennai.
2. The Commissioner,
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+1 CC to M/s.K.SRINIVASAN, Advocate (SR-29689[F] dated 21/09/2021)
+1 CC to M/s.SPL. GP (SR-29774[F] dated 21/09/2021)

W.A(MD)No.1789 of 2021
20.09.2021

PS(CO)
SB(29.09.2021) 4P 8C