



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17243 of 2021

and

W.M.P. (MD)No.14102 of 2021

WEB COPY

S.Rajendran

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Tourism, Culture and Religious Endowments Department,
Fort St. George, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
The Administration Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai-34.

3.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments,
Trichy Bye-Pass Road,
Dindigul.

4.The Executive Officer,
Arulmigu Santhakula Sowmiya
Narayana Kavaraya Trust,
No.1, Gandhi Road,
Palani, Dindigul Road.

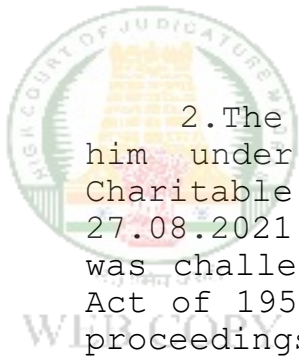
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to dispose the revision petitions dated 15.09.2021 filed by the petitioner challenging the orders passed by the third respondent herein in M.P.Nos.30 and 31 of 2021 dated 27.08.2021 on the file of the second respondent on merits and in accordance with law within the time frame fixed by this Court.

For Petitioner	:	Mr.T.Lajapathi Roy
For R1 to R3	:	Mr.K.S.Selva Ganesan Counsel for State
For R4	:	Mr.G.Prabhu Rajadurai

ORDER

The petitioner seeks the expeditious disposal of a revision petition filed by the petitioner against the orders passed by the third respondent in M.P.Nos.30 and 31 of 2021 on 27.08.2021.



2.The petitioner states that proceedings were initiated against him under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959. In such proceedings, an order dated 27.08.2021 was issued in M.P.Nos.30 and 31 of 2021. The said order was challenged by way of revision petition under Section 21 of the Act of 1959. The petitioner seeks the expeditious disposal of such proceedings.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3 and Mr.G.Prabhu Rajadurai, learned Standing Counsel appears on behalf of the Trusteeship Board, which represents the fourth respondent. Mr.G.Prabhu Rajadurai submits that the revision petition has been rendered infructuous on account of the payment of the rental arrears by the petitioner. Therefore, he submits that all that remains is for the petitioner to contest the fair rent proceedings under Section 34(A) of the Act of 1959.

4.However, learned counsel for the petitioner contends that the rental arrears were paid under protest. Therefore, he submits that it is just and necessary that the revision petition be directed to be disposed of at the earliest.

5.Given the limited scope of the present writ petition, it is not necessary to enter any findings on the merits thereof. Accordingly, the second respondent herein is directed to consider and dispose of the revision petition filed by the petitioner on 15.09.2021 within a period of three months from the date of receipt of a copy of this order. It will be open to the petitioner and the fourth respondent to raise all contentions in the said revision petition.

6.In view of the payment of rental arrears up to date by the petitioner, the respondent shall not take coercive action to dispossess the petitioner. However, this will not preclude such action in the event of default in future.

7.W.P.(MD)No.17243 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD)No.14102 of 2021 is closed.

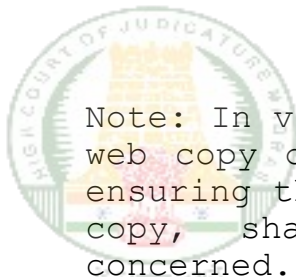
Sd/-

Assistant Registrar (CS II)

// True Copy //

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Sub Assistant Registrar(CS)



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.

WEB COPY

To
1.The Additional Chief Secretary,
State of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Fort St. George, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
The Administration Department,
Uthamar Gandhi Salai, Nungambakkam,
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3.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments,
Trichy Bye-Pass Road,
Dindigul.

4.The Executive Officer,
Arulmigu Santhakula Sowmiya
Narayana Kavaraya Trust,
No.1, Gandhi Road,
Palani, Dindigul Road.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-30391[F] dated 27/09/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-30234[F] dated 24/09/2021)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-30550[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30485[F] dated 28/09/2021)

W.P (MD) No.17243 of 2021
24.09.2021

RS (04.10.2021) 3P 9C