



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.1702 OF 2022

AND

W.M.P.NO.1846 OF 2022

K.Thiyagarajan

.. Petitioner

Vs.

1. The Commissioner,  
HR & CE, 119, Uthamar Gandhi Road,  
Thousand Lights West,  
Nungambakkam, Chennai.
2. The Joint Commissioner,  
Mayiladuthurai Hindu Religious and Charitable  
Endowment Department,  
Mayiladuthurai District.
3. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowment Department,  
Mayiladuthurai District.
4. The Executive Officer,  
A/m.Manmaadheshwarar Thirukoil,  
Kuthalam Taluk,  
Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st respondent to pass order on petitioner representation / petition dated 12.01.2022, and further forbearing the respondent's interference with the petitioner's peaceful possession and enjoyment of the house property situated at Door No.12, comprised in S.No.176/2, Kuthalam Manaveli Street, Kuthalam, Mayiladuthurai District.

|                 |   |                   |
|-----------------|---|-------------------|
| For Petitioner  | : | Mr.P.Dinesh Kumar |
| For Respondents | : | Mr.S.Yashwanth    |
|                 |   | A.G.P.(HR & CE)   |



## O R D E R

(The case has been heard through video conference)

WEB COPY This writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 12.01.2022, seeking to regularise the lease and also direct the respondents not to interfere with his peaceful possession of the property.

2. Admittedly, the property belongs to the 4th respondent temple. Originally the property has been let out on lease to Mr.Sammandham Pillai. Thereafter, the petitioner's father is said to have purchased the property from Mr.Sammandham Pillai, the original lessee. Thereafter, proceedings were initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and an order of eviction also passed.

3. At this juncture, the petitioner made a representation to the authorities to regularise the lease in his favour since he has purchased the property from the original lessee and till such time his possession may not be disturbed. Since that representation was not considered by the authorities, the present writ petition has been filed.

4. Earlier, this Court directed the learned Additional Government Pleader (HR & CE) appearing for the respondents to get instructions from the authorities regarding regularisation of lease in favour of the petitioner.

5. Today, the learned Additional Government Pleader (HR & CE) on instructions submitted that the petitioner's father has purchased the property from the original lessee Mr.Sammandham Pillai, who has no right to alienate and hence the purchase itself is illegal. Thereafter, an order of eviction has been passed by the competent authority and the petitioner has been evicted from the premises and the 4th respondent has taken over possession of the property and now the 4th respondent intends to construct a Kalyana Mandapam in the very same property by demolishing the existing superstructure therein.

6. Considering the fact that the petitioner has only purchased the property from a lessee who has no right to alienate the property, and the petitioner cannot claim any right over the same. That apart, it is stated that the possession has been taken from the petitioner and the 4th respondent temple is going to demolish the superstructure and construct a Kalyana Mandapam. Hence, the prayer as sought for by the petitioner



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cannot be granted at this stage and the writ petition is liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,  
HR & CE, 119, Uthamar Gandhi Road,  
Thousand Lights West,  
Nungambakkam, Chennai.
2. The Joint Commissioner,  
Mayiladuthurai Hindu Religious and Charitable  
Endowment Department,  
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Mayiladuthurai District.
4. The Executive Officer,  
A/m.Manmaadheshwarar Thirukoil,  
Kuthalam Taluk,  
Nagapattinam District.

+1cc to the Government Pleader, High Court, Madras, S.R.No.9059

W.P.No.1702 of 2022 and  
W.M.P.No.1846 of 2022

GP(CO)  
RLP(11/03/2022)