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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.9774 OF 2022

AND

W.M.P.NO.9496 OF 2022

The Egmore Philanthropic Trust,
Rep. By its Founder Chairman,
M.Hujan Babu,
New No.9, Old No.5,
Dr.T.V.Naidu Road,
Chetpet, Chennai - 600 031.

... Petitioner

.Vs.

1. The Joint Commissioner,
Chennai Region Circle - I,
The Hindu Religious and Charitable
Endowment Department,
No.127, Yadhava Street,
Padi, Chennai - 600 050.
2. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
No.127, Yadhava Street,
Padi, Chennai - 600 050.
3. The Executive Officer,
Arulmigu Srinivasa Perumal Temple,
No.6, LNP Kovil Street,
Egmore, Chennai - 600 008.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the Revision Petition under Section 21 A of the Hindu Religious and Charitable Endowments Act, 1959 filed by the petitioner Trust on 22.03.2022 and pass orders on the same, within the time frame fixed by this Court.



For Petitioner : Mr.M.Ramamoorthi
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

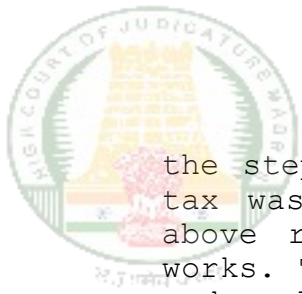
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O R D E R

This Writ Petition is filed by the petitioner, seeking for a direction to the 1st respondent to consider the Revision Petition filed under Section 21 A of the Hindu Religious and Charitable Endowments Act, 1959, filed by the petitioner Trust on 22.03.2022 and pass orders on the same, within the time frame fixed by this Court.

2. By consent of the learned counsel appearing for the petitioner as well as the learned Government Advocate (HR & CE) who takes notice for the respondents, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a Founder Chairman of the Egmore Philanthropic Trust and member of Telugu Naidu Community. The members of the said Telugu Naidu Community have established Sri Lakshmi Narayana Perumal Temple at No.6, LNP Kovil Street, Egmore, Chennai 600 008, about 200 years back. The Telugu Naidu Community living at Egmore and surrounding areas, constructed a Bajanai Madam (Saketha Nilayam) adjoining the temple, wherein Srinivasa Perumal was consecrated as the Main Deity and Sri Lakshmi Narayana Perumal was the secondary deity. The said temple has movable property and immovable property in and around Egmore, Chennai. The temple is a Denominational temple and is in existence for the benefit of members of the Telugu Naidu Community residing at Egmore and surrounding areas. The Bajanai Madam situated in the land measuring 9,600 Sq.Ft. was constructed 200 years back. By a representation dated 02.06.1997, the petitioner Trust offered to renovate the Bajanai Madam on Donor basis. The Commissioner, HR & CE Department, by the proceedings dated 20.10.1999 and 24.03.2000, granted permission to the petitioner Trust to renovate the Bajanai Madam and directed the petitioner to complete the work within two years from 10.04.2000. There was a tenant occupying the dining hall of the Bajanai Madam and after the proceedings initiated by the petitioner Trust, he was evicted. There was due of property tax and water tax to the tune of Rs.6,43,787/-. The petitioner Trust took steps and by the order dated 06.04.2017, the property tax was reduced up to the period of 31.03.2020 and in the said order, property tax was fully waived from 01.04.2010. In view of



the steps taken by the petitioner Trust, water tax and property tax was reduced and paid by the petitioner Trust. Due to the above reason, there was a delay in continuing the renovation works. The petitioner Trust completed 90% of the renovation work and only 10% of the work is pending, which could not be completed beyond the control of the petitioner. While so, the 3rd respondent, by the order dated 04.08.2021, canceled the permission granted to the petitioner for renovation, without any notice to the petitioner, only on the ground that the petitioner did not complete the work within two years. The petitioner Trust filed an appeal to the Commissioner on 10.08.2021. The Commissioner directed the petitioner to file revision before the Joint Commissioner/1st respondent. Mean while, the petitioner filed W.P.No.19464 of 2021 against the said order of cancellation. This Court, by the order dated 15.09.2021, dismissed the Writ Petition as withdrawn, granting liberty to the petitioner to approach the authorities concerned. The petitioner filed Revision Petition before the Joint Commissioner on 22.03.2022. The 1st respondent has not taken up the Revision filed under Section 21 A of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and no notice of hearing was given to the petitioner Trust. Hence, the petitioner has come out with the present Writ Petition for the relief sought for above.

4. Mr.K.Karthikeyan, learned Government Advocate (HR & CE) appearing for the respondents submitted that the Revision filed by the petitioner will be disposed of within the time frame fixed by this Court. The learned Government Advocate appearing for the respondents also submitted that in view of the cancellation of permission granted for renovation, tender is called for and sent for approval of the Commissioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (HR & CE) appearing for the respondents and perused the entire materials available on record.

6. Considering the above submission of the learned counsel appearing for the petitioner that the petitioner has filed Revision before the 1st respondent challenging the order of cancellation and considering the submission of the learned Government Advocate appearing for the respondents, without deciding the matter on merits, the 1st respondent is directed to take up the Revision on file and decide the said Petition as expeditiously as possible, in any event, within a period of two weeks from the date of receipt of a copy of this order.



With the above direction, the Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Joint Commissioner,
Chennai Region Circle - I,
The Hindu Religious and Charitable
Endowment Department,
No.127, Yadhava Street,
Padi, Chennai - 600 050.
2. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
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Padi, Chennai - 600 050.
3. The Executive Officer,
Arulmigu Srinivasa Perumal Temple,
No.6, LNP Kovil Street,
Egmore, Chennai - 600 008.

+1cc to Mr.M.Ramamoorthi, Advocate, S.R.No.27253

+1cc to the Special Government Pleader (HR & CE), S.R.No.27805

W.P.NO.9774 OF 2022

NR(CO)
PBS/24/05/2022