



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.18244 of 2014

T.Kandaswamy

...Petitioner

Vs.

1. The Secretary,
Department of Tamil Development, Culture,
Religious Endowments & Information,
Secretariat, Chennai-9.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai-34.
3. The Joint Commissioner,
Hindu Religious & charitable Endowments Department,
Coimbatore.
4. The Assistant Commissioner/Executive Officer,
Arulmighu Patteeswaraswamy Temple,
Perur, Coimbatore.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, Calling for the records of the 1st respondent quash G.O.(Ms) No.327 dated 26.12.2013 consequently direct the 4th respondent to restore possession of the lands situate in S.F.Nos.37/3 39/2 to 7 Perur Village, Coimbatore Taluk and District to the petitioner by recognizing him as a tenant.

For Petitioners: Mr.T.S.Vijayaraghavan

For Respondent : Mr.S.Yaswanth, AGP, RR1 to 3
Mr.P.Sathish, AGP R4

O R D E R

This Writ Petition has been filed seeking a direction to quash the G.O.(Ms) No.327 dated 26.12.2013 passed by the first respondent and consequently, direct the 4th respondent to restore possession of the lands situated in S.F.Nos.37/3 39/2 to 7 Perur Village, Coimbatore Taluk and District to the petitioner by recognizing him as a tenant.



2. The case of the petitioner is that he is the tenant of the subject property for a period of 50 to 60 years and the petitioner is paying the rent regularly. In the meanwhile, the temple authorities sent notices to the petitioner for eviction in respect of the lands in S.No.39/2, 39/3, 39/5 & 39/7. Challenging the said notices, the petitioner filed revision before the second respondent and the same was dismissed on 19.07.2013. As against the order, the petitioner preferred appeal before the first respondent and the same was also dismissed on 26.12.2013. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner, on instructions, submitted that as some persons situated in the disputed lands had already obtained permission for lease from the concerned Commissioner, the petitioner seeks this Court for permitting him to file an appropriate petition before the concerned Commissioner for Lease, without interfering with the impugned order.

4.The learned Additional Government Pleader has no objection to file appeal before the Commissioner.

5.Heard the learned counsel for the petitioner as well as the Government Counsel appearing for the respondents and perused the materials available on record.

6.Considering the facts and circumstances of the case and considering the limited request sought for by the petitioner, this Court, without interfering the impugned order, directs the petitioner to file fresh petition before the jurisdictional Commissioner for Lease within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such petition, the concerned Commissioner shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rli



To

1. The Secretary,
Department of Tamil Development, Culture,
Religious Endowments & Information,
Secretariat, Chennai-9.

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2. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Uthamar Gandhi Salai, Nungambakkam, Chennai-34.
3. The Joint Commissioner,
Hindu Religious & charitable
Endowments Department,
Coimbatore.
4. The Assistant Commissioner/Executive Officer,
Arulmighu Patteeswaraswamy Temple,
Perur, Coimbatore.

+1cc to Mr.T.S.Vijayaraghavan, Advocate, S.R.No.33846

W.P.No.18244 of 2014

SVI (CO)
RGA (30/06/2022)