



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD) No.9150 of 2022

Sivagangai Samasthanam Devasthanam,
No.99, Old Palace Complex,
Sivagangai District,
Through its Manager, P.Ilango.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent to consider the representation, dated 09.09.2021, under Section 78 of the HR & CE Act in respect of Door No.72 in S.No.49/2, Tiruppuvanam, Manamadurai Taluk, Sivagangai District, within the time stipulated by this Court.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.M.Lingadurai

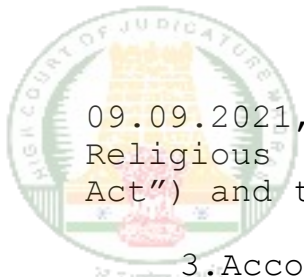
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a Mandamus seeking for a direction to the 2nd respondent to consider the representation of the petitioner, dated 09.09.2021, under Section 78 of the HR & CE Act in respect of Door No.72 in S.No.49/2, Tiruppuvanam, Manamadurai Taluk, Sivagangai District, within the time stipulated by this Court.

2.The petitioner, who is the Manager of Sivagangai Devasthanam, had sent a representation to the Joint Commissioner and Assistant Commissioner of Hindu Religious and Charitable Endowment Board, on

<https://hcservices.ecourts.gov.in/hcservices/>



09.09.2021, seeking the authorities to invoke Section 78 of Hindu Religious and Charitable Endowments Act, (For brevity "HR and CE Act") and take action under Section 79 of HR and CE Act.

3. According to the petitioner, there is a vacant land in S.No.49/2, which belongs to the idol of Sri Pushpanvaneshwar Temple. In this vacant land, third parties namely, Eswaran and his brother Selvam have put up construction. Later, they have not paid any rent to the temple authorities. Hence, notice was issued and the amount due to the temple was to the tune of Rs.1,56,750/-. The said Devasthanam had filed a civil suit in O.S.No.75 of 2019 before the District Munsif cum Judicial Magistrate Court, Thirupuvanam, against the said Selvam, who is the encroacher/tenant. The District Munsif Cum Judicial Magistrate Court, Thirupuvanam, by Judgment and Decree, dated 11.11.2019 had allowed the suit, directing the encroacher to vacate the vacant land without creating any encumbrance and to repay the dues. Since the encroacher failed to vacate the vacant land, the petitioner, with all these particulars, have sent communication to the temple authorities, namely the second and third respondents, who have failed to act on it. Hence, the present petition has been filed.

4. Mr. M. Lingadurai, learned Special Government Pleader, appearing for the respondents submitted that the petitioner's representation has been received by the Assistant Commissioner, who is the third respondent herein, and steps were already initiated. In this regard the third respondent will soon send a report to the second respondent. If any encroachment found, he would send appropriate report under Section 78 of the HR & CE Act to the Joint Commissioner. Thereafter, on the basis of the report, the Joint Commissioner will conduct enquiry.

5. In view of the submissions made by the learned Special Government Pleader, this Court directs the third respondent/Assistant Commissioner to send a report to the Second respondent/Joint Commissioner within a period of one week from the date of receipt of a copy of this order. In the event of receipt of such report, the Joint Commissioner shall give priority to take appropriate action, within a period of three months thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

15/06/2022

Sub Assistant Registrar(CS)



To

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.

+1 CC to M/s.S. MADHAVAN, Advocate (SR-25805[F] dated 15/06/2022)

W.P. (MD) No.9150 of 2022

14.06.2022

KS (CO)

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