



W.P(MD).No.19189 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.19189 of 2022

G.Selva Kumar

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Theni District.
- 4.The Executive Officer,
Arulmigu Gowmariamman Thirukovil,
Veerapandi,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to transfer the lease in favor of the petitioner and permit him to enjoy the property at S.No.806/1 in Arulmigu Gowmariamman Thirukovil, Veerapandi based on the petitioner's representation dated 23.09.2021.



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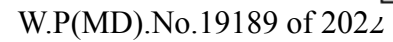
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For Petitioner : Mr.P.Edin Brough
For R-1 to R-3 : Mr.P.T.Thiraviam,
Government Advocate.
For R-4 : Mr.Dr.C.Guhaseelarupan
Standing Counsel.

ORDER

The petitioner had sent a representation dated 23.09.2021, so far the same has not been considered by the second respondent. Hence, filed this Writ Petition.

2. The contention of the petitioner is that the petitioner's father was a tenant under the fourth respondent for the past 45 years. His father passed away on 16.09.2020 and thereafter, the petitioner continued to be a tenant, paying the tenancy amount. The petitioner had made several representations to the temple authorities to record him as tenant after the demise of his father. Since his father is no more, the petitioner is continuing his father's business. One Balu and Suresh who are employees of the temple taking advantage of the same, now projecting the petitioner as encroacher as though let out the property to one Palpandi for some consideration. Since no action taken on the petitioner's representation, filed this Writ Petition.



4. The learned Standing Counsel appearing for the fourth respondent submitted that the petitioner participated in 78 proceedings of HR and CE Act conducted by the Joint Commissioner of Hindu Religious and Charitable Endowment Department, Dindigul in M.P.No.1 of 2022. He submits that the petitioner had given a statement during enquiry on 22.02.2022 stating that without the petitioner's permission, the other three respondents namely, Palpandi, Ponraj, Sundaramani have been squatting in the property. He admits his father allowed them to run their shops, entered into an agreement, which would only clearly shows that the petitioner's father himself created



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encroachment, violating the rules and regulations and the undertaking given to the temple. He further submitted that if at all the petitioner aggrieved against the order passed by the Joint Commissioner, he has to file the revision before the Commissioner of Hindu Religious and Charitable Endowment Department.

5. I have considered the matter in the light of the submissions made by learned counsels for all parties and perused the records.

6. It is seen that the petitioner had suffered an order in M.P.No.1 of 2022 dated 18.07.2022. If the petitioner is aggrieved against the same, he has to approach the Commissioner of Hindu Religious and Charitable Endowment Department, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner has got sufficient time to file the revision before the Commissioner. The representation earlier said to have been given by the petitioner is the issue which has been dealt in M.P.No.1 of 2022. In view of the same, nothing survives in the representation. This Court directs the petitioner to approach the Commissioner of Hindu Religious and Charitable Endowment Department, by filing the revision under Section 21 of the Act.



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7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

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M.NIRMAL KUMAR, J.

Nsr

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