



WEB COPY

W.P(MD).No.8578 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD) .No.8578 of 2017

and

W.M.P (MD) .No.6512 of 2017

L.G.P.Kannan

... Petitioner

Vs .

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

2.The Executive Officer,
Arulmigu Saptharishwarar Thirukovil,
Lalgudi, Trichy District.

3.The District Collector,
Trichirappalli.

4.The Superintending Engineer,
State Highways,
Trichirappalli,

5.The Authorised Officer and District Revenue Officer,
District Collector Office Campus,
Trichirappalli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the notice of the second respondent, dated 05.04.2017 and quash the same as illegal and also directing the respondents to pay petitioner's share of compensation awarded for the acquisition of 1052 square meter owned by the second respondent.

For Petitioner : Mr.Muthu Samundeeswaran
For Mr.S.Muthukrishnan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The contention of the petitioner is that the petitioner run a hotel in the name of Vasantha Vihar in Door No.86 and 87 at Lalgudi,
<https://hdservices.ecourts.gov.in/cases>



Trichy Main Road. The ground site of the hotel belongs to the second respondent temple. During the year 1950, the second respondent temple granted lease for vacant site in favour of the petitioner's father, namely, Parameswara Iyer. Thereafter, the petitioner's father had constructed a super structure and using the place for hotel. The ground rent alone was paid to the second respondent at the rate of Rs.1,300/-. After death of the petitioner's father, the petitioner has been paying the ground rent to the second respondent for the past four months. The second respondent refused to receive the ground rent. Hence, the petitioner sent the ground rent by money order. The second respondent refused to receive the same.

2. The learned counsel for the petitioner submitted that the fifth respondent had taken steps to widen the Ariyalur-Trichy Main Road and acquire the land for the same from the temple authority and had paid compensation. While taking the land, the petitioner's hotel building was acquired by the fifth respondent. Later, it was demolished and road was widen. The compensation for the building paid by the fifth respondent to the temple authorities, since the petitioner's father had put up building, the petitioner is entitled for the compensation for the building. Hence, this writ petition filed.

3. The learned Special Government Pleader for the respondents submits that the petitioner's father was only a tenant for the ground and the superstructure put by the petitioner's father in violation of the condition on his own, which is illegal. For putting up the illegal construction, he cannot make any claim, and compensation for the same. The temple had not recognised the petitioner as a tenant. Further, he was not given permission to put up any construction in the same. He submitted that the petitioner had not obtained any permission from the Commissioner under Section 34 of HR&CE Act. He further submitted that in this case, he has not produced or stated about the proof for putting up the construction with the permission of the temple authorities. According to the petitioner, the construction was put up with the permission of the temple. Hence, the respondents prayed for the dismissal of the writ petition.

4. Considering the same, this Court finds that the petitioner was not recognised as tenant by the Commissioner under Section 34 of HR&CE Act and he was not granted any permission to put up construction.

5. In view of the same, the petitioner prayer sought for in this writ petition is not maintainable. Hence, the writ petition stands dismissed. No costs. In the event of petitioner producing any documents that with the approval of the temple authorities put up construction, which has been recognised by the Commissioner under



appropriate petition. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.I)

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/06/2022

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai.
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Lalgudi, Trichy District.
- 3.The District Collector,
Trichirappalli.
- 4.The Superintending Engineer,
State Highways,
Trichirappalli,
- 5.The Authorised Officer and District Revenue Officer,
District Collector Office Campus,
Trichirappalli.

+1 CC to M/s.S. MUTHU KRISHNAN, Advocate (SR-26099[F] dated 16/06/2022)

+1 CC to M/s.SPL.GP. (SR-26407[F] dated 17/06/2022)

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RD(27.06.2022) 3P 8C