



W.P.(MD)No.24956 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

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C.Ganesan

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments Department,
Purasaiyakkam,
Chennai 34.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments Department,
Madurai,
Madurai District.

3.The Inspector,
Tamil Nadu Hindu Religious &
Charitable Endowments Department,
Tirumangalam,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the third respondent to pass order in Na.Ka.No.125/2022/13.05.2022 dated 13.05.2022 by considering the petitioner's explanation dated 17.06.2022 and consequently



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direct the respondents to grant permission to complete construction work carrying out in S.No.305/11 situated at Karadikal Village, Tirumangalam Taluk, Madurai District within a time frame fixed by this Court.

For Petitioner :Mr.J.Senthil Kumaraiah
For Respondents :Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition is filed challenging the impugned notice in Na.Ka.No.125/2022/13.05.2022 dated 13.05.2022 by the third respondent.

2.The petitioner is an administrator of Arulmigu Vinayagar, Ammachiyar Amman and Arulmigu Vadakuvasal Selvi Amman Thirukovilkal Temple, situated in Karadikal Village, Madurai District. The petitioner would submit that for more than 80 years he and his ancestors has been living in a mud house built out of their own funds. The family members perform regular poojas and has been taking care of the temple land. During the year 1978-1979, the said temple was brought under the control of the Tamil Nadu Hindu Religious and Charitable Endowments



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Department and thereafter, the petitioner's father was declared as a Hereditary Poojari and Trustee. The said temple is non-revenue village temple and has been categorized under not-listed category. After the death of his father in 2009, the petitioner had preferred an application for being appointed as trustee, as he continued being engaged in temple activities viz., performing poojas and protecting the temple property. In the year 2020, there was a heavy rain fall, which damaged the mud house. The same was also brought to the notice of the second respondent and the request was made to grant permission to renovate the said house. As the request, seeking permission is pending since 2009, the petitioner started constructing a small building over an extent of 400 Sq.ft. of land.

3.The third respondent issued a notice dated 13.05.2022 stating that the petitioner has encroached the temple land and constructed a house and sought for an explanation from him. Pursuant to the notice dated 13.05.2022, the petitioner submitted an explanation dated 17.06.2022 addressed to the Assistant Commissioner/second respondent herein and the same is pending consideration. The learned counsel for the petitioner would



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seek leave to file additional objections to the impugned notice dated 13.05.2022.

3.The learned Additional Government Pleader, appearing on behalf of the respondents submits that the above representation dated 18.05.2022 and the explanation dated 17.06.2022 and any additional objection that may be filed would be considered by the appropriate respondents on merits and in accordance with law.

4.Considering the limited scope of the prayer sought for in this writ petition, this writ petition is disposed of with a following directions:

(i) The petitioner may file additional objection, if any, within a period of four weeks from the date of receipt of a copy of this order.

(ii)The respondents herein shall consider the representaion as well as the objection of the petitioner, dated 18.05.2022 and 17.06.2022 along with the additional objection, if any, filed by him and pass appropriate orders on merits and in accordance with law, within period of six weeks from thereon, after affording a reasonable opportunity to the petitioner and



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other stake holders/interested parties, if any.

(iii)It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the respondents to consider the representation and objection on its own merits.

No costs.

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Index : Yes / No

Speaking Order/Non Speaking Order

sbm

To

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2.The Assistant Commissioner,

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MOHAMMED SHAFFIQ, J.

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