



W.P.(MD)No.25506 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25506 of 2022

Vivekanandan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Gandhiji Road,
Nungambakam,
Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
S.M. Salai,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
S.M. Salai,
Thanjavur.

4.The District Collector,
Thanjavur,
Thanjavur District.

5.A.P. Muruganantham

6.L.R.N. Jinna

7.Ayyappan

.. Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to recover the land of Arulmigu Nalla Meika Vinayagar Temple from the illegal occupation by 5th to 7th respondents and considering the representation of the petitioner dated 03.11.2021.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.P.Subbaraj
Special Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the 2nd respondent to recover the land of Arulmigu Nalla Meika Vinayagar Temple from the illegal occupation of respondents 5 to 7 by considering his representation dated 03.11.2021.

2. Heard Mr.A.Arun Prasad, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 to 7 is dispensed with.

4. Claiming that the land in Survey No.284/27, Vadacherry Village, Orathanadu Taluk, Thanjavur District, belongs to Arulmigu Nalla Meika Vinayagar Temple and it was allotted to 11 persons, who have no place to live, for rent before 50 years and out of the 11 persons only three persons are residing there and the other persons have given the property to third parties for higher rent, which is more than 50 times of the rent given to the temple, the petitioner submitted a representation to the respondents 1 and 2 on 03.11.2021, and though the same was forwarded to the 3rd respondent by the 2nd respondent by communication dated 11.11.2021, according to the learned counsel for the petitioner, no further action has been taken by the third respondent. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the third respondent to



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dispose of his representation dated 03.11.2021, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 3rd respondent to consider the representation of the petitioner dated 03.11.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the respondents 5 to 7 and all other parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
10.11.2022

Internet : Yes / No

Index : Yes / No

sj



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sj

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