



W.P.(MD)No.25751 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25751 of 2022

Lakshmi

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai.
3. Arulmighu Selva Vinayagar Temple,
Represented by its Hereditary Trustee Mr.Ammaiyappan,
S/o.Govindhasamy Pillai,
L.N.Puram 2nd Street,
Aranthangi,
Pudukkottai District.
4. The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.

... Respondents

(R4 is *suo motu* impleaded, vide Court order dated 14.11.2022 in W.P.(MD)No.25751 of 2022 by MSQJ)



W.P.(MD)No.25751 of 2022

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st Respondent to fix the ground rent as provided under Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and permit the Petitioner to pay the rent and reside there completing construction of house is 4 cents out of 54 cents comprised in Survey No.204/7 of L.N.Puram 4th Street, Aranthangi Taluk, Pudukkottai District.

For Petitioner	:	Mr.N.Balakrishnan
For Respondents	:	Mr.P.Subbaraj Special Govt. Pleader for R1 & R2 Dr.Ramesh Mahadev for R3 Mr.P.Mahendran for R4

O R D E R

This Writ Petition has been filed to direct the 1st respondent to fix the ground rent as provided under Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and permit the petitioner to pay the rent and reside in the house constructed in 4 cents out of 54 cents comprised in Survey No. 204/7 at L.N.Puram 4th Street, Aranthangi Taluk, Pudukkottai District.



W.P.(MD)No.25751 of 2022

WEB COPY

2. It is submitted that the Petitioner had constructed a house in 4 cents measuring 48.3 feet East-West and 37 feet North-South belonging to Arulmighu Selva Vinayagar Temple comprised in Survey No.207/4 ad-measuring total extent of 54 cents at L.N.Puram, 4th Street, Aranthangi Taluk, Pudukottai district. The roof of the house is Madras Tiles. The Petitioner purchased the possessory right of that house site from one Mariyayee on 09.11.2020. Mariyayee's husband, namely, Subbiah has sold the possessory right to her on 06.07.2017. The said Subbiah has constructed two Madras Tiled house. He purchased the possessory right with Madras tiled house and thatched shed under document, dated 15.12.1997 from Sarangadurai and Muniyappan, who are sons of Chokkan. The above sales are not registered and such a kind of practice was in vogue in that locality.

3. The learned counsel for the Petitioner submitted that the Petitioner's husband is a daily wager. The Petitioner is residing in the western side of house which was completely damaged / collapsed during Gaja cyclone. Hence, the Petitioner re-constructed the house. The 3rd Respondent intended to vacate the Petitioner with the assistance of Police



W.P.(MD)No.25751 of 2022

WEB COPY

force. It is further submitted that the Petitioner has been paying the ground rent to the Respondents. The re-construction has been made without obtaining prior permission from the Municipality and the Temple authorities. It is submitted that the Petitioner may be granted an opportunity to approach the appropriate authority for permission to re-construct the building.

4. It is submitted by the learned Special Government Pleader for the Respondents 1 and 2 that the Petitioner ought to have been obtained permission from the Municipality Authorities as well as the Authorities under the Hindu Religious and Charitable Endowments Department for re-construction of the building. He further submitted that if any representation is made, the same shall be considered and orders will be passed thereon in accordance with law.

5. It is submitted by the learned counsel for the Petitioner that she may be granted liberty to approach the authorities seeking permission / regularising / ratification for re-construction of building.



W.P.(MD)No.25751 of 2022

6. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

7. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, the Petitioner is at liberty to submit a representation to the concerned Respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the concerned Respondent shall consider the Petitioner's representation on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks thereafter, after granting opportunity to the Petitioner and also putting all interested parties on notice. It is made clear that this Court has not expressed any view with regard to the merits of the representation and it is open to the concerned Respondent to consider the representation on its own merits.



W.P.(MD)No.25751 of 2022

8. With the above direction, this Writ Petition stands disposed of.

WEB COPY

No costs.

17.11.2022

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai.
3. The Hereditary Trustee,
Arulmighu Selva Vinayagar Temple,
L.N.Puram 2nd Street,
Aranthangi,
Pudukkottai District.
4. The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.



WEB COPY



W.P.(MD)No.25751 of 2022

MOHAMMED SHAFFIQ, J.

vji

W.P.(MD)No.25751 of 2022

17.11.2022