



WEB COPY



W.P.No.2914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2914 of 2023

and

W.M.P.No.3015 of 2023

K.Settu

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai- 600 034.

2.The District Collector,
Kanchipuram Collector Office,
Chengalpattu District,
Tamil Nadu.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
RTO Office,
Sathuvacheri,
Vellore- 632 009.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Kanchipuram District,
Tamil Nadu.



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5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chengalpattu District,
Tamil Nadu.

6.The Revenue Divisional Officer,
Revenue Division Office,
Thiruporur Taluk,
Chengalpattu District.

7.The Tahsildar,
Tahsildar Office,
Thiruporur Taluk,
Chengalpattu District.

8.The Village Administrative Officer,
Thaiyur,
Thiruporur Taluk,
Chengalpattu District.

9.The Executive Officer,
Arulmigu Chengammal Eswarar Temple,
Chengammal,
Thaiyur Village,
Thiruporur,
Thiruporur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the proceedings of the 4th Respondent in Miscellaneous Petition No.1877 of 2022 dated 01.12.2022 under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1996 (Amended) and quash the same as illegal and invalid and



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allow the Petitioner to continue to reside in the land of Arulmigu Chengammal Eswarar Temple as per the manner fixed by this Hon'ble Court.

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For Petitioner : Ms.P.Uma

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the order passed by the 4th respondent under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1996 (amended) and to allow the petitioner to reside in the land of Arulmigu Chengammal Eswarar Temple.

2.It is the case of the petitioner that the petitioner and his brother are residing in the property belongs to the Temple from 1978 onwards. The vacant land of 4 cents was allotted to the father of the petitioner initially and later the petitioner's brother also obtained 4 cents and paid rents to the Temple Authority. After that, they have not collected rents and in the year 2011, the Temple Authority directed the petitioner to pay a sum of Rs.1,11,864/- towards arrears of rent. Hence, the petitioner's father filed W.P.No.13521 of 2013 which was disposed of on 04.06.2013 directing to give response to the notice under Section 78(2) of the Act



and to consider by the Temple Authorities. Despite several representations, the Temple Authorities have not accepted to receive the rents. In the meanwhile, the petitioner's father died on 20.10.2016. Hence, the petitioner sent a representation dated 14.06.2017 to the Temple Authorities to transfer the rents to his name but it was not considered. Thereafter, the Temple Authorities sent a letter dated 18.10.2022 to the petitioner to pay a sum of Rs.5,67,000/- towards arrears of rent.

3.The learned Special Government Pleader appearing for the respondents would submit that the Joint Registrar has passed orders under Section 78 of the Hindu Religious and Charitable Endowment Act and the revision is permissible under Section 21 of the Act.

4.The learned counsel appearing for the petitioner would submit that the petitioner is ready to pay the said sum in monthly installments within a period of six months.

Accordingly, the Writ Petition is disposed of. The petitioner is directed to pay a sum of Rs.5,67,000/- towards rent in three equated monthly installments. On such payment petitioner is directed to give a representation to the respondents to



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regularise the tenancy. In the event petitioner failing to pay the arrears and regular rent as agreed before this Court, the respondent is at liberty to evict the petitioner.

With the above direction, this Writ Petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

06.02.2023

Index :Yes/No

Neutral Citation : Yes/No.

Speaking Order / Non-Speaking Order
mps

To

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