



Writ Petition No.4919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.4919 of 2023

a n d

W.M.P.No.4932 of 2023

Madurai Siddha Vaidya Sangam
rep. By its Secretary
Mr.S.Gurunathan
Plot No.1555, TNHB Colony
Villapuram
Madurai 625 011.

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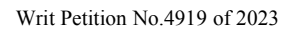
Petitioner

Vs

1. State of Tamil Nadu
rep. By its Secretary to the Government
(in the rank of Additional Chief Secretary)
Department of Tourism
Culture and Religious Endowments
Fort St. George
Chennai 600 009.
2. The Principal Secretary and Commissioner
Hindu Religious and Charitable Endowments Department
Chennai 600 034.
3. Sri Meenakshi Sundareswarar Temple
rep. By the Deputy Commissioner/
Executive Officer
Madurai 625 001.

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Respondents



For Petitioner	...	Mr.M.Ramamoorthi
For respondents	...	Mr.M.Bindran Additional Government Pleader for R.R.1 and 2 Mr.P.Gopalan for R.3.

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ORDER

This writ petition has been filed to quash the order, dated 21/11/2022, passed by the first respondent in Letter No.2883302/RE5-1/2022-1, rejecting the revision petition of the petitioner on the principles of res judicata passed under Section 114 of the Tamil Nadu HR & CE Act, 1959 and confirming the order of the second respondent, dated 11/5/2022, in O.M.No.72630/2021/M-1 and consequently, direct the respondents to lease out the premises in S.No.853, situated at Door No.6 Travellers Bungalow Road, Madurai, measuring to an extent of 1034 sq.feet or any other suitable place belonging to the third respondent temple on a fair rent basis.

2. The case of the petitioner Sangam is as follows:-

The petitioner Sangam was in occupation of the premises belonging to HR & CE. As the Sangam has failed to pay the rent, proceeding under Section 78 of the HR & CE Act, has been initiated and reached its finality. Many challenges were made by way of revision as well as writ petition were also dismissed. Consequently, he was evicted from the premises. After the first round of litigation, fresh representation has been given by the petitioner, to allot an extent of 1034 sq.feet, belonging to the third respondent, on a a



monthly basis. However, Commissioner has rejected the request, on the ground that the petitioner is a defaulter and proposed site is meant for constructing mini marriage hall for the temple. As against the rejection of the representation by the Commissioner, revision has been filed before the first respondent. First respondent also rejected the revision. Challenging the same, writ petition has been filed.

3. Heard Mr.M.Ramamoorthi, learned counsel for the petitioner.

4. Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.P.Gopalan, learned counsel takes notice for the third respondent.

5. By consent, the writ petition is taken up for final disposal.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that petitioner Sangam was the oldest Sangam. From the very averment, it appears that the writ petitioner has challenged several orders passed by the respondents.



7. Proceeding initiated, under Sections 78 and 79 of the HR & CE Act, was challenged, in W.P.(MD)No.2631 of 2016, before Madurai Bench of Madras High Court and the same was dismissed, on 5/2/2016. Writ Appeal in W.A.(MD) No.355 of 2019 filed against the said order was dismissed, on 15/3/2019. Thereafter, allotment to the possession was taken over by the temple administration, on 15/4/2016. Thereafter, as against the eviction order, appeal has been filed before the second respondent, which was also dismissed, on 23/3/2021. Once again, the same was challenged, in W.P.(MD)No.11596 of 2021 before Madurai Bench of Madras High Court, and the same was dismissed, on 13/7/2021.

8. Not stopping with that, again W.A.(MD) No.1789 of 2021 was filed and the same was also dismissed on 20/9/2021. After the eviction of the petitioner from the premises, petitioner appears to have given a representation. Since there was no response, petitioner has filed W.P.(MD) No.3042 of 2022, on the file of Madurai Bench of Madras High Court. Vide, order, dated 16/2/2022, Madurai Bench of Madras High Court had directed the second respondent to consider the representation, dated 6/10/2021, submitted by the petitioner, within a period of four weeks from the date of the said order. However, the representation has been rejected, on



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11/5/2022 in O.M.No.72630/2021/M-1. Challenging that, revision has been filed. Since the same has also been rejected, instant writ petition has been filed.

9. Considering the nature of the writ petitions filed earlier and also considering the fact that the petitioner has been declared as an encroacher and evicted under due process of law, this Court is of the considered view that as a matter of right, petitioner cannot seek an alternative site or premises for their enjoyment. In such a view of the matter, this Court do not find any merit in the writ petition.

10. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

21/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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WEB COPY To

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State of Tamil Nadu
Department of Tourism
Culture and Religious Endowments
Fort St. George
Chennai 600 009.
2. The Principal Secretary and Commissioner
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N. SATHISH KUMAR, J
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