



W.A.No.249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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A.Raman

.. Appellant

Vs

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Ch-34.
- 2.The Joint Commissioner, Chennai
Office of the Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Ch-34.
- 3.The Joint Commissioner, Kancheepuram
Office of the Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kancheepuram.



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4.Arulmigu Thirusoolanathar Thirukoil,
rep. by its Executive Officer,
Thirisoolam, Chennai-600 043.

5.The Revenue Divisional Officer,
Tambaram Taluk,
Tambaram.

6.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chengalpattu.

7.The Tahsildar,
Pallavaram.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the
order dated 28.11.2022 passed in W.P.No.27665 of 2022.

For the Appellant	: Mr.S.R.Rajagopal Senior Counsel for Mr.S.V.Vijay Prashanth
For the Respondents	: Mr.N.R.R.Arun Natarajan Spl. G.P. (HR&CE) for respondent Nos.1 to 4 & 6 : Mr.P.Muthukumar State Government Pleader for respondent Nos.5 and 7



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JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the impugned order dated 28.11.2022 passed by the learned Single Judge in W.P.No.27665 of 2022, wherein the appellant, being the holder of an unregistered sale deed dated 10.8.2012 in respect of the land in question belonging to the fourth respondent's temple, has challenged the order of the second respondent dated 1.6.2020.

2. Mr.S.R.Rajagopal, learned senior counsel appearing for the appellant, submitted that when similarly placed persons were given the benefit of becoming lessees of the fourth respondent temple by the Commissioner by exercising power under the provisions of the Hindu Religious and Charitable Endowments Act, 1959 (for short, "*the Act of 1959*"), the same benefit may be granted to the appellant also by allowing the present appeal.

3. On the other hand, Mr.N.R.R.Arun Natarajan, learned



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Special Government Pleader (HR&CE) appearing for respondents 1 to 4 and 6, submitted that the said plea can very well be raised by the appellant before the Commissioner, HR & CE Department under Section 21 of the Act of 1959 by way of revision petition and there is no error in the order of the learned Single Judge. Therefore, the appeal is liable to be dismissed.

4. We find some merits in the submission made by learned Special Government Pleader (HR&CE) for the reason that the appellant has purchased the property from one J.Chellammal on 10.8.2012 through an unregistered sale deed, that too, during the pendency of the eviction proceedings initiated against her. Therefore, we find no hesitation to direct the appellant to approach the Commissioner, HR & CE Department, the first respondent herein by way of revision petition seeking lease, for which, the appellant is granted two weeks' time. If any such revision petition is filed by the appellant within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained by the Commissioner, HR & CE Department without insisting on the plea of



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limitation and pass orders in accordance with law, as the appellant is a similarly placed person.

5. With the above observation, the writ appeal is disposed of.

There will be no order as to costs. Consequently, C.M.P.No.2592 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
13.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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