



WEB COPY



W.A.No.296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1 S.Kanniyammal
- 2 G.Mohan
- 3 G.Venkatesan
- 4 S.Raghupathy
- 5 E.Anbalagan
- 6 M.Sankar
- 7 Sivakumar

.. Appellants

Vs

- 1 The State of Tamil Nadu
rep by The Collector
Thaiyar Kullam
Kanchipuram - 631 501.
- 2 The Assistant Commissioner/Executive Officer
Hindu Religious and Charitable Endowment
Mangadu, Chennai - 122.
- 3 Arulmigu Kamatchi Amman and
Arulmigu Vaigunda Perumal Thirukoil
Rep. by its Executive Officer
Mangadu, Chennai - 122.



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4 The Commissioner of HRCE
Hindu Religious and Charitable Endowment
119, Uthamar Ganthi Road
Nungambakkam, Chennai – 34.
Respondents

..

Prayer: Appeal under Clause 15 of the Letters Patent against the judgment dated 21.12.2022 passed in W.P.No.26406 of 2022 by the learned Single Judge.

For the Appellants : Ms.C.Selvi George

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for the 1st respondent

: Mr.N.R.R.Arun Natarajan
Special Government Pleader
for respondents 2 to 4

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the impugned order dated 21.12.2022 passed in W.P.No.26406 of 2022, whereby the learned Single Judge, while dismissing the writ petition finding no merits, made it clear that if the appellants are so advised, they can file an appropriate civil suit to establish their rights before the competent civil court.



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2. After hearing learned counsel on either side, we do not find any error or infirmity in the impugned order passed by the learned Single Judge for the following reasons:

- (i) The Joint Commissioner, Hindu Religious and Charitable Endowments Department, vide order dated 15.12.2020, after affording opportunity of hearing to the appellants, came to the conclusion that the appellants are tenants under the Arulmigu Kamatchi Amman temple;
- (ii) Even though fair rent was fixed based on the extent of property occupied by each of the appellant and the arrears were directed to be paid from 1.7.2016; the appellants have not challenged the said order, which had attained finality; and
- (iii) If the appellants pay the entire arrears of rent, besides paying the monthly rent regularly, they may be permitted to continue as tenants under



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the temple. In default, the appellants have no right to occupy the properties in question.

For the foregoing reasons, the writ appeal is dismissed. There will be no order as to costs. However, it is made clear that the liberty granted to the appellants by the learned Single Judge to file an appropriate civil suit to establish their rights before the competent civil court holds good. Consequently, C.M.P.No.3006 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
15.02.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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