



WEB COPY



W.P.No.9092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.9092 of 2023

and

W.M.P.No.9226 & 9227 of 2023

S.Vanaja

W/o.Suresh

No.77, Perumal Koil Street

Villupuram Town.

... Petitioner

Vs.

1.The Joint Commissioner

HR & CE Administration Department

Villupuram

2.The Assistant Commissioner

HR & CE Administration Department

Villupuram

3.The Executive Officer

Arulmigu Vaikundavasa Perumal Temple

Villupuram

4.R.Saraswathi

W/o.Ramakrishnan

14/11, Rajeshwari Nagar

11th Cross Street

Pondicherry 605 013.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance

of Writ of Certiorarified Mandamus, calling for the records of the 1st



W.P.No.9092 of 2023

Respondent in his proceedings in செ.மு.ந.க.எண்|.2026/2019/ஆ2/நாள்|
21.01.2023 and quash the same and thereby direct the Respondents 1 to 3 to
remove the seal put up over the lock in the property at door No.77, in Town
S.No.57, Block No.30, Perumal Koil Street, Villupuram.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.N.R.R.Arun Natarajan, (for R1 to R3)
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the 1st
Respondent in his proceedings in செ.மு.ந.க.எண்|.2026/2019/ஆ2/நாள்|
21.01.2023 and quash the same and thereby direct the Respondents 1 to 3 to
remove the seal put up over the lock in the property at door No.77, in Town
S.No.57, Block No.30, Perumal Koil Street, Villupuram.

2.The Petitioner has come forward with this Petition to de-seal the
petition property and he is also challenging the impugned order passed by the
Joint Commissioner under Section 78(1)(a) of the Tamil Nadu Hindu Religious
and Charitable Endowments Act, treating the Petitioner as encroacher and
ordered for sealing of the petition property and for recovery of possession.



W.P.No.9092 of 2023

WEB COPY

2.Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, takes notice for Respondents 1 to 3. In view of the order, which is proposed to be passed, notice to the 4th Respondent is dispensed with.

3.Heard the learned counsel for the Petitioner and the learned Special Government Pleader.

4.As per the submissions made by the learned Special Government Pleader, the Petition property is at door No.77, in Town S.No.57, Block No.30, Perumal Koil Street, Villupuram. Originally, the husband of the 4th Respondent viz., Ramakrishnan is a lessee. Thereafter, the Petitioner's father viz., Vadivel was residing in the property. After the death of her father, during the year 2006, the Petitioner is living with her family in the petition property, by vending flowers in the stall put up at the outside of the property.

5.Based upon the oral instructions, the learned Special Government Pleader would submit that the petition property is in dilapidated condition and



W.P.No.9092 of 2023

is not fit for human habitation. However, the HR & CE Department intended to construct an office for the Executive Officer and public convenience for the use of general public in the petition property.

6.On perusal of the impugned order, I find that it is an order passed by the 1st Respondent under Section 78(1)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and under the statute, there is a revision before the Commissioner under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Hence, I find that there is effective alternative remedy, which is a statutory Appeal being provided, I am not inclined to entertain this Writ Petition.

7.However, the learned counsel for the Petitioner would submit that the Petitioner is a widow and is said to have been running a flower shop before the Temple and hence the Petitioner is directed to prefer an Appeal as per law and the authority concerned is required to number the same and consider the request of the Petitioner on merits, for de-sealing within a period of one week from the date of receipt of a copy of this order. Learned counsel for the Petitioner would



W.P.No.9092 of 2023

further submit that the Petitioner is willing to remit the arrears of rent, which amounts to a sum of Rs.2,22,690/- as of March 2023, to show her bonafides.

8.Learned counsel for the Petitioner would further submit that for filing the Appeal, before the Commissioner as stated supra, he has to produce the original impugned order passed by the Joint Commissioner. Hence, to enable the Petitioner to prefer the Appeal, Registry is directed to return the original impugned order, after retaining the clear photocopy of the impugned order.

9.In fine, this Writ Petition is disposed of to the extent indicted above.
No costs. Consequently, connected Miscellaneous Petition is closed.

24.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

Note: Issue order copy on 27.03.2023

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W.P.No.9092 of 2023

RMT.TEEKAA RAMAN.J,

sai

To

1.The Joint Commissioner
HR & CE Administration Department
Villupuram

2.The Assistant Commissioner
HR & CE Administration Department
Villupuram

3.The Executive Officer
Arulmigu Vaikundavasa Perumal Temple
Villupuram

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