



WEB COPY



W.P.No.13465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.13465 of 2023

1.S.Mohan

2.D.Padmavathi

... Petitioners

VS.

1.The Commissioner

Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner

Hindu Religious and Charitable Endowments,
R.K.Madam Salai
Mylapore, Chennai – 600 004.

3.The Assistant Commissioner

Hindu Religious and Charitable Endowments,
Padi, Chennai 600 050.

4.The Executive Officer,

Thiru Karneeswarar Koil,
Chennai – 600 015.

5.C.Selvakumar

6.G.Radha Krishnan

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7.M.Ashok Kumar

8.M.Ayyappan

9.Suresh Kumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conduct enquiry in respect of the proceeding bearing NA.KA.8743 of 2023/23/R2 dated 28-02-2023 forwarded by the second respondent in respect of the house property bearing Old Door No.71, New No.175, Kodambakkam Road, Saidapet, Chennai – 600 015 within a time frame.

For Petitioners : Mr.L.Dhamodharan

For R1 to R4 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

For R5 to R9 : Mr.J.William Shakesphere

ORDER

The writ petition is filed seeking a direction to 2nd respondent to conduct an enquiry on the representation submitted by the petitioners as directed by 1st respondent in his Proceedings in Na.Ka.No.8743 of 2023/23/R2 dated 28.02.2023.



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2. It is the case of the petitioners that the petitioners are the owner of superstructure in Old Door No.71, New Door No.175, Kodambakkam Road, Saidapet, Chennai-600 015. The said property was allotted to the share of the petitioners in a family partition in the year 1993. The superstructure was constructed by four brothers of the petitioners out of family funds and the ground belongs to the 4th respondent/Temple.

3. The 2nd respondent initiated proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 against the petitioners in respect of the above said property and an eviction order was passed. Challenging that, the petitioners filed a revision before the 1st respondent. It is also stated that when the revision was pending, the 2nd respondent sealed the premises. Challenging the said act of the 2nd respondent, the tenants inducted by the petitioners filed writ petitions before this Court in W.P.Nos.22848, 22850, 22856, 22863 and 22870 of 2022 seeking de-sealing of the building. This Court by order dated 01.09.2022 ordered de-sealing of the property and also directed the 1st respondent herein, who was also arrayed as 1st respondent in earlier writ petition to consider the request made by the petitioners therein to recognise them as



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direct tenants under the temple by conducting an enquiry after issuing notice to the petitioners herein.

4. Thereafter, the petitioners submitted a representation to the 1st respondent on 06.02.2023 mentioning their objections regarding the proceedings initiated by the 2nd respondent, the same forwarded to the 2nd respondent by the 1st respondent in his Proceedings in Na.Ka.No.8743 of 2023/23/R2 dated 28.02.2023 and directed the 2nd respondent to conduct enquiry and pass appropriate orders.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 submits that the petitioners filed a revision before the 1st respondent challenging the order of eviction passed against them by 2nd respondent under Section 78 of the HR and CE Act and the said revision was dismissed. Challenging the said order, the petitioners filed an appeal before the Government and they also moved this Court in W.P.No.7809 of 2023 seeking expeditious disposal of the appeal pending before the Government. In that writ petition, this Court directed the petitioners to pay the arrears of rent to the tune of Rs.63,11,501/- as a condition for



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considering the appeal filed by the petitioners before the Government. The petitioners failed to comply with the said condition and writ appeal filed against that order was also dismissed. In these circumstances, the relief sought for in this writ petition cannot be considered in view of the default committed by the petitioners in complying the order passed in W.P.No.7809 of 2023.

6. The submission made by the learned Special Government Pleader appearing for the respondents 1 to 4 is not acceptable to this Court in view of the fact that the said direction was given for disposal of the appeal pending before the Government. In the earlier writ petitions filed by the respondents 5 to 9 herein, this Court directed the 1st respondent to consider the request of the petitioners therein by conducting enquiry after issuing notice to the petitioner herein. Subsequently, the petitioners also filed their objection to the 1st respondent and the same was forward to 2nd respondent with direction to take appropriate action and intimate the same to 1st respondent. In these circumstances, there may not be any impediment for the 2nd respondent to conduct an enquiry on the representation of petitioner dated 06.02.2023.



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7. Accordingly, this Court is inclined to issue a direction to the 2nd respondent to consider the representation submitted by the petitioner dated 06.02.2023, forwarded by the 1st respondent to 2nd respondent in Na.Ka.No.8743 of 2023/23/R2 dated 28.02.2023, pass final orders on merits and in accordance with law, after hearing all the parties interested within a period of eight weeks from the date of receipt of copy of this order and intimate the same to 1st respondent.

8. With the above direction, the writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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