



WEB COPY



W.P.No.19581 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19581 of 2023

T.Suyamburaj

...Petitioner

Vs.

1.The Joint Commissioner

O/o.Joint Commissioner of HR & CE

Dept of Hindu Religious & Charitable Endowments
Cuddalore District.

2.The Executive Officer

Sri Vaithiyanatha Swami Thirukovil
Thittakudi, Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to receive the outstanding amounts in connection to the S.No.137/1 Tholuthur Main Road, K.S.R.Nagar, Thittakudi Taluk, Cuddalore District in pursant to the petitioner's representation dated 05.05.2023.



WEB COPY



W.P.No.19581 of 2023

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

The petitioner herein is seeking a direction to the respondents to consider the petitioner's representation dated 05.05.2023 and pass final orders.

2. According to the petitioner, a portion of the land in S.No.137/1 belongs to the second respondent Temple has been possession and enjoyment of the petitioner's family. It is further stated by the petitioner that, when he approached the second respondent to pay the rent for the said lands, they refused to accept it, and subsequently, he sent a representation to the second respondent on 05.05.2023 requesting him to accept the rental arrears and issue a receipt. The said representation has not been considered by the second respondent and consequently, the petitioner is constrained to approach this Court.

3. Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents and on instructions, submitted that 0.65 cents out of 1 acre 30 cents in S.No.137/1 was originally let out to one Thangarasu, father of the



W.P.No.19581 of 2023

petitioner. When the land was let out to the petitioner's father, it was an agricultural land. The father of the petitioner Thangarasu and his wife jointly converted the same as house site and put up a superstructure therein against the conditions of the lease and therefore, the lease in favour of the father of the petitioner was cancelled in the year 2013.

4. Now treating the petitioner as encroacher, the second respondent has sent a proposal to jurisdictional Assistant Commissioner to recommend to the Joint Commissioner to take necessary action under Section 78 of the Hindu Religious & Charitable Endowments Act and the same is pending on the file of the Assistant Commissioner.

5. In view of the stand taken by the respondents that already steps have been taken to initiate proceedings under Section 78 of the Act, no direction can be given in favour of the writ petitioner.

6. However, if the petitioner is willing to surrender the superstructure accepting the title of the temple and ready to pay market rent as per the guidelines issued by the relevant Government Orders, he may submit a



W.P.No.19581 of 2023

fresh representation to the first respondent through the second respondent. If any such representation is submitted by the petitioner, it shall be considered on merits and disposed of in accordance with law, without being influenced by any observation made in this order.

7. Accordingly, this Writ Petition is dismissed. No costs.

04.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

1.The Joint Commissioner
O/o.Joint Commissioner of HR & CE
Dept of Hindu Religious & Charitable Endowments
Cuddalore District.

2.The Executive Officer
Sri Vaithiyanatha Swami Thirukovil
Thittakudi, Cuddalore District.



WEB COPY



W.P.No.19581 of 2023

S.SOUNTHAR, J.
dna

W.P No.19581 of 2023

04.07.2023