



WEB COPY



W.P.No.23518 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23518 of 2023

Mohanlal

...Petitioner

Vs.

1.The Commissioner
HR & CE Board
Chennai.

2.The Assistant Commissioner,
HR & CE Board
Chennai.

3.The Administrative Officer,
Arulmigu Aranganadhaswamy Temple
Mulla Street,
Chennai -79.

4.Narayanan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's representation dated 03.07.2023 within a time frame stipulated by this Court.



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For Petitioner : Mr.C.T.Saravanan

For Respondents : Mr.K.Karthikeyan for R1 to R3
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to consider his representation dated 03.07.2023 within a time frame stipulated by this Court.

2. According to the petitioner, a shop building at No.139, Aadhiyappan Naicker Street, belonging to the third respondent temple, was let out to one J.Kumar originally and he died in the year 2006. It is the case of the petitioner that after the death of J.Kumar, he entered into the above said shop with the consent of his legal representatives and started doing business. It is also stated that the fourth respondent now illegally evicted the petitioner and occupying the above said shop. In this regard, the petitioner submitted a representation on 03.07.2023 to the first respondent seeking his intervention and recovery of possession of the property to the petitioner.



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3. Mr.K.Karthikeyan, learned Government Advocate, who takes

notice for the respondents 1 to 3, on written instructions submitted that the property was originally let out to one J.Kumar and the petitioner and the fourth respondent are only encroachers

4. It is also stated by the learned Government Advocate that the third respondent temple is contemplating to initiate proceedings under Section 78 of the Hindu Religious and Charitable Endowment Act, for taking possession of the above said shop. The said statement made by the learned Government Advocate for the respondent is recorded.

5. In view of the submission made the by the learned Government Advocate that the third respondent temple is proposing to take action for recovery of the above said shop by initiating proceedings under Section 78 of the Hindu Religious and Charitable Endowment Act, the prayer sought for by the petitioner cannot be granted. However, as soon as the possession of the property is taken by the temple and brought for open auction, the petitioner is permitted to participate in the open auction.



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S.SOUNTCHAR, J.

dna

6. With the above observation, this Writ Petition is disposed of.

No costs.

10.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

dna

To

1.The Commissioner
HR & CE Board
Chennai.

2.The Assistant Commissioner,
HR & CE Board
Chennai.

3.The Administrative Officer,
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