



WEB COPY



W.P.No.34899 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.34899 of 2022

&

W.M.P.No.34314 of 2022

G.Suresh

... Petitioner

Vs.

1.The Secretary to Government
Hindu Religious & Charitable Endowments Department
St.George Fort
Chennai-600 009

2.The Commissioner
Hindu Religious & Charitable Endowments Department
No.119, Uthamar Gandhi Road
Nungambakkam,
Chennai-600 034

3.The Joint Commissioner
Hindu Religious & Charitable Endowments Department
Chennai-600 034

4.The Executive Officer
Arulmigu Rathina Vinayagar and Durgaiamman Temple
No.15, Sri Balaji Complex
1st floor
Whites Road, Royapettah
Chennai-600 014

... Respondents



W.P.No.34899 of 2022

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner representation on 28.11.2022.

For Petitioner : Mrs.Sudharshana Sunder

For Respondents : Mr.Karthikeyan, AGP

ORDER

This Writ Petition has been filed seeking a direction to the 2nd respondent to consider the petitioner representation dated 28.11.2022.

2. The only grievance of the petitioner is that he is the grandson of one Ellammal who was the original allottee. Since there was some default in payment, the proceedings has been initiated by the respondents in the year 2016 itself and orders under Section 78 of Hindu Religious and Charitable Endowments Act is also been passed. Due to the various reasons the amount could not be paid. According to the petitioner, he is entitled to three shops out of six shops available in the place and he is ready to pay the rent in respect of the three shops.

In this regard, he has given a representation dated 28.11.2022,



W.P.No.34899 of 2022

however the same has not been considered.

WEB COPY

3. As the orders have already been passed in the year 2016 itself for eviction under Sec.78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, which is reached finality, it is for the authorities to consider the representation whether to allow the petitioner to pay the rent and to continue in possession after paying the rent.

4. In such view of the matter, the 2nd respondent shall consider the representation and take a decision as per law, within a period of three months.

5. Accordingly, with the above observations, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.34314 of 2022 is closed.

02.01.2023

kpr

Internet: Yes

Speaking/Non speaking order

Neutral citation: Yes/No



W.P.No.34899 of 2022

WEB COPY

1.The Secretary to Government
Hindu Religious & Charitable Endowments Department
St.George Fort
Chennai-600 009

2.The Commissioner
Hindu Religious & Charitable Endowments Department
No.119, Uthamar Gandhi Road
Nungambakkam,
Chennai-600 034

3.The Joint Commissioner
Hindu Religious & Charitable Endowments Department
Chennai-600 034

4.The Executive Officer
Arulmigu Rathina Vinayagar and Durgaiamman Temple
No.15, Sri Balaji Complex
1st floor
Whites Road, Royapettah
Chennai-600 014



WEB COPY



W.P.No.34899 of 2022

N. SATHISH KUMAR, J.

kpr

W.P.No.34899 of 2022

&

W.M.P.No.34314 of 2022

02.01.2023