



W.P(MD)No.10897 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10897 of 2023

Renganathan

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment
Government of Tamilnadu,
Chennai.

2. Sri Arulmighu Sundereswarar,
Devasthanam through its
Executive Officer,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents to consider the representation dated 07.05.2022 and thereby to safeguard the petitioner's ownership and possession and peaceful living in the house property at Door No.19, Ondimuthu Maistry Street, Southveli Street, Madurai Town.



WEB COPY



W.P(MD)No.10897 of 2023

For Petitioner : Mr.N.S.Ponnaiah
For R1 : Mr.P.Subbaraj,
Special Government Pleader
For R2 : Mr.V.R.Shanmuganathan

ORDER

This writ petition is filed for a Mandamus, directing the respondents to consider the petitioner's representation dated 07.05.2022 and thereby to safeguard the petitioner's ownership and peaceful possession of the house property at Door No.19, Ondimuthu Maistry Street, Southveli Street, Madurai Town.

2. On earlier occasions, there was no representation for the petitioner and therefore, this writ petition was dismissed for default, by order dated 05.06.2023. Thereafter, on the application filed by the petitioner for restoration, this writ petition was restored on 07.09.2023.

3.The learned senior counsel appearing for the petitioner submits that the petitioner's father, who is aged about 90 years is residing in Door No.19, Ondimuthu Maistry Street, Southveli Street,



W.P(MD)No.10897 of 2023

Madurai for more than eight decades. The subject property belongs to the second respondent temple. The petitioner has now come forward to pay fair rent as proposed by the second respondent temple authorities. Therefore, the learned counsel requests to consider the case of the petitioner sympathetically.

4.The learned counsel appearing for the second respondent temple submits that the subject property is a temple property and the petitioner's father one Pandarinathan has already filed a writ petition in W.P.(MD)No.22727 of 2018, for a Mandamus, directing the respondents to consider the petitioner's representation dated 15.06.2010 and not to interfere with his possession. The writ petition was taken up along with four other similar writ petitions on the subject properties and the same were dismissed by a common order dated 17.09.2021 on the ground that the issue has already been decided by the Hon'ble Supreme Court in S.L.P.Nos.28957-28958 of 2018 dated 13.11.2018. Now, the petitioner seeks regularization of the property with fair rent.



W.P(MD)No.10897 of 2023

WEB COPY

5.Considering the fact that the petitioner is permitted to reside in the temple property for a period of eight decades, even though it is a temple property. The petitioner is ready to pay the rent as proposed by the temple administration and considering the age of the petitioner's father, this writ petition is disposed of with a direction to the temple administration to collect the fair rent from the petitioner. No costs.

21.12.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes.

vrn

To

1. The Commissioner,
Hindu Religious and Charitable Endowment
Government of Tamilnadu,
Chennai.

2. Sri Arulmighu Sundereswarar,
Devasthanam through its
Executive Officer,
Madurai.

B.PUGALENDHI, J.



WEB COPY



W.P(MD)No.10897 of 2023

vrn

W.P.(MD)No.10897 of 2023

21.12.2023