



W.P.(MD)No.15982 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.15982 of 2023

A.Lakshmi

... Petitioner

vs.

1.The Commissioner,
Hindu Religious Charitable and
Endowments,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious Charitable and
Endowments,
Trichy District.



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3.The Assistant Commissioner / Executive
Officer,
Hindu Religious Charitable and
Endowments,
Arulmighu Jambukeshwarar
Akilandeshwari Thirukovil,
Thiruvanaikaval, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent nos.1 and 2 to consider the petitioner's representation, dated 12.06.2023, seeking allotment of any small piece of land around the 3rd respondent's temple for living purpose with fixing fair rent for the said land.

For Petitioner	: Mr.S.M.Mohan Gandhi
For R1 and 2	: Mr.R.Ragevendran Government Advocate
For R3	: Mr.T.Antony Arul Raj

ORDER

This writ petition is filed for writ of Mandamus, to direct the



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respondent nos.1 and 2 to consider the petitioner's representation, dated 12.06.2023, seeking allotment of any small piece of land around the 3rd respondent's temple for living purpose with fixing fair rent for the said land.

2.The contention of the petitioner is that the petitioner's husband namely Mr.Ashok Kumar and one Mr.Murugesan were occupying the land belonging to the 3rd respondent temple. They were running a shop in the said land and were residing in that place. The respondents have taken action to evict the said Murugesan as well as Ashok Kumar, since they were encroachers and they are squatting in the place which is against the rules and regulations prescribed under HR and CE Act. When the petitioner was evicted, challenging the same the petitioner has already filed a writ petition in W.P.(MD)No.3428 of 2020. This Court after



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hearing the arguments of the petitioner and the respondents, has dismissed the writ petition.

3. Now, the petitioner has come up with a case to allow the petitioner to occupy the said place, since the petitioner's husband died. The respondents submitted that the petitioner is not having any right to claim a portion of the land, when the temple cannot lease any land belonging to the temple. Therefore, the claim is against law. Hence, the respondents submitted that the writ petition cannot be entertained.

4. The petitioner is claiming that she is not having any place to live and she is a land less poor. This Court is of the considered opinion the temple cannot be forced to give land belonging to the temple. The petitioner is at liberty to approach the District Collector and the District



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Collector may consider the claim of the petitioner in accordance to law.

5.Hence, the writ petition is dismissed. No costs.

Index : Yes / No

10.07.2023

Internet : Yes

NCC : Yes / No

Tmg

To

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S.SRIMATHY, J

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