



W.P.(MD)No.31332 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.12.2023

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.31332 of 2023

1.A.Pandivelar

2.P.Saravanan

3.D.Illyaraja

: Petitioners

Vs.

1.The Joint Commissioner,

Hindu Religious and Charitable Endowment Department,
Madurai District.

2.The Assistant Commissioner,

Hindu Religious and Charitable Endowment Department,
Ellis Nagar,
Madurai District.

3.The Executive Officer,

Arulmigu Kalyana Sundreswarar Kovil,
Melur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to



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consider the petitioners' representation dated 18.12.2023 to consider the petitioners as a tenant in S.No.51/14 of Valaicheripatti Village of Melur Taluk and to fix rent.

For Petitioners : Mr.S.Ramsundarvijayraj
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard Mr.S.Ramsundarvijayraj, learned Counsel appearing for the petitioners and Mr.K.S.Selvaganesan, learned Additional Government pleader who accepts notice for the respondents.

2.By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

3.This Writ Petition is filed by the petitioner praying for a Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 18.12.2023, to consider the petitioners as tenants in S.No.51/14 of Valaicheripatti Village of Melur Taluk and to fix rent.

4.The petitioners belong to Hindu Velar (Kuyavar) community whose profession is making potteries, statues and other utensils of clay. That apart, they have been doing temple poosari



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activities for the past several years in S.No.51/14 in Idaimalai Iyyanar temple land in Valaicheripatti, Melur Taluk, Madurai District and they have also constructed a house before several years and each of the petitioners have been living in the said house for the past several years.

5. The temple of Idaimalai Iyyanar Temple is a small temple wherein the petitioners are doing works of Poosari. While so, one Karuppu made a representation to the authorities as if there is encroachment in S.No.51/14. This Court in W.P.(MD)No.27333 of 2019 has directed the respondents therein to consider the representation and remove the encroachments, if any. Upon receiving the order of this Court, the temple authorities issued notices under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

6. Further, the third respondent also filed a petition in M.P.No.24 of 2023, before the first respondent [Joint Commissioner] to evict the petitioners from the said property and hand over the possession. The petitioners are parties to the said proceedings and the same is still pending before the first respondent. While so, during the pendency of the said proceedings before the Joint Commissioner, the respondents who are statutory authorities are periodically



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disturbing the petitioners in order to evict them from the property. In view of the same, the petitioners made a representation dated 18.12.2023 to the respondents seeking to consider them as tenants in S.No.51/14 of Valaicheripatti Village of Melur Taluk, Madurai District. However, no action has been taken on the said representation.

7. Considering the limited scope of the prayer, this Court without going into the merits of the matter hereby directs the respondents to consider the petitioners' representation dated 18.12.2023 and pass appropriate orders in accordance with law within a period of four [4] weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is allowed. There shall be no order as to costs.

28.12.2023

Index :Yes / No

NCC : Yes/No

MR/PM



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L.VICTORIA GOWRI, J.

MR/PM

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