



WEB COPY



W.P.No.4313 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM:

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.4313 of 2018
and W.M.P.Nos.5303 & 5304 of 2018

Tamilnadu College of Engineering,
rep. By its Chairman, Dr. P.V.Ravi,
Palanesame Ravi Nagar,
Karumathampatty,
Coimbatore – 641 659.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Coimbatore.

3.Arulmigu Chenni Aandavar Temple,
Viralikadu, Karumathampatty Post,
Coimbatore.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari Mandamus calling for the records of the 3rd respondent dated 28.11.2017 and consequently order dated 13.02.2018 and quash the same as non est in the eye of law and pass such further or other orders.



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For Petitioner : Mr.A.Lobamudra
For R1 & R2 : Mr.K.Karthikeyan
Government Advocate, HR&CE Dept.,
For R3 : Mr.R.Bharanidharan

ORDER

This Writ Petition is filed by the petitioner seeking quashment of the proceedings of the 3rd respondent dated 28.11.2017 and 13.02.2018.

2. The brief facts of the case as per the affidavit enclosed to this Writ Petition, are that the petitioner is the Chairman of Tamilnadu College of Engineering. For establishment of the college, the petitioner had purchased land to an extent of 2.80 acres in S.No.734/2 out of 3.80 acres from T.V.Gopalakrishnan vide Doc.No.1381 of 1984 in Book No.1 on 27.07.1984 on the file of the Sub Registrar Office, Sulur with specific boundaries and from 1984 the petitioner is running an educational institution in the said land. While that being so, the third respondent issued a notice dated 28.11.2017, through which the petitioner came to know that the college building was wrongly constructed in the land owned by third respondent. Thereby, the third respondent passed an order for eviction or payment of fair rent. Subsequently, third respondent



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issued a notice dated 13.02.2018 demanding payment within 15 days, failing which it was stated therein that the petitioner would be declared as a encroacher. Challenging the same, the present Writ Petition is filed.

3. Learned counsel for the petitioner would submit that to amicably settle the issue, the petitioner is willing to give 1.5 acres of land in S.No.735/7 covered under patta 52, Karumanthampatti Village, Sulur Taluk, Coimbatore village with 40 feet road access from National Highway to the temple or as an alternate remedy, the petitioner is also ready to deposit a sum of Rs.30 Lakhs to the temple within a period of twelve weeks from the date of receipt of copy of this order and also ready to pay the fair rent as fixed by the first respondent/ the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai.

4. Learned counsel for the third respondent has filed counter and denied the contentions raised by the petitioner. However, he does not raise any serious objection for the proposal put forth by the learned counsel for the petitioner.

5. In view of the fair submission made by the learned counsel



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for the petitioner, this Writ Petition is disposed of with the following directions:

i) the petitioner shall deposit a sum of Rs.30,00,000/- within a period of twelve weeks from the date of receipt of copy of this order.

ii) the petitioner shall pay a fair rent as fixed by the first respondent on or before 7th of every English calendar month.

No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

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Index: Yes/No

Neutral Citation: Yes/No

To

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M.DHANDAPANI J.

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