



W.P.No.6920 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.6920 of 2019

K.Kalimuthu

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur.
3. Sri Moundagurusamy Temple,
Rep. by its Hereditary Trustee,
Thiruvaduthurai Aathina Karta,
Kuthalam Taluak – 609 803.
4. M.Abdul Rahman
5. Abdul Rahim

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to consider the petitioner's representation dated 31.07.2018 and pass orders upon the said representation with the time frame as stipulated by this Hon'ble Court.



W.P.No.6920 of 2019

For Petitioner : Mr.R.Krishna Prasad
for M/s. Sarvabhauman Associates

For Respondents : Mr.S.Ravichandran, AGP, for R1 & R2
: Mr.K.P.Sanjeev Kumar,
for M/s. Ojas Law Firm, for R3
: No Appearance, for R4 & R5

ORDER

This Writ Petition has been filed seeking direction to the 1st respondent to consider and pass orders on the petitioner's representation dated 31.07.2018.

2. The case of the petitioner is that the land comprised in T.S.No.1436, Ward 4, Block No.34, Velipalayam, Nagapattinam measuring an extent of 57.0 sq. meter belongs to the 3rd respondent temple and the same is used for doing religious activities and the income derived from the said land is used for maintaining Agamas in the said temples and for conducting poojas and for other philanthropic purposes. While so, the Hereditary trustees of the 3rd respondent temple, instead of protecting the temple properties, are mismanaging the temple properties. In such



W.P.No.6920 of 2019

circumstance, the 4th and 5th respondents herein, claiming to be the owner of the above said temple property, approached the petitioner to sell the commercial building situated in the said temple land to an extent of 679 sq.ft., and in order to prove their title over the said building, they also produced the registered sale deed dated 11.01.2011 bearing Doc.No.50 of 2011 through which they have purchased the above said property. Believing the same, the petitioner entered into a registered sale agreement dated 17.06.2014 bearing Doc.No.1219 of 2014 with the 4th and 5th respondents and he also paid a sum of Rs.19 Lakhs towards sale consideration. Pursuant to the said purchase, when the petitioner verified the patta, as the same stood in the name of the 3rd respondent temple, immediately thereafter, the petitioner cancelled the above said sale agreement dated 17.06.2014, vide cancellation deed dated 11.05.2018. Thereafter, the petitioner made several representations before the 1st respondent seeking to prevent illegal transfer of the 3rd respondent temple properties and to retrieve the temple properties, pursuant to which, though there took place several correspondence in between the officials, no final order has been passed by the officials. Thereby, the petitioner made a detailed representation dated 31.07.2018



W.P.No.6920 of 2019

before the 1st respondent, however, till date, the same was not considered by the 1st respondent. Hence, this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 31.07.2018 and pass orders on the same as expeditiously as possible.

4. Learned Additional Government Pleader appearing on behalf of the 1st and 2nd respondents submitted that, pursuant to the bifurcation of Thanjavur District into Nagapattinam and Thanjavur Districts, the competent authority to consider the petitioner's representation is the Joint Commissioner, Nagapattinam and if the petitioner sends a copy of his representation dated 31.07.2018 to the Joint Commissioner, Nagapattinam, appropriate orders will be passed on the same within the time stipulated by this Court.

5. On the above said contentions, heard learned counsel appearing for the 3rd respondent and perused the material documents placed on record.



W.P.No.6920 of 2019

6. In view of the aforesaid submission made by the learned Additional

Government Pleader, this Court without going into the merits of the case, directs the petitioner to send a copy of his representation dated 31.07.2018 to the Joint Commissioner, Nagapattinam along with a copy of this order within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the Joint Commissioner, Nagapattinam shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner, the 4th and 5th respondents and other aggrieved persons, if any.

7. With the above directions, this Writ petition stands disposed of. No costs.

20.09.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

5/7



W.P.No.6920 of 2019

WEB COPY To:

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W.P.No.6920 of 2019

M.DHANDAPANI, J.

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W.P.No.6920 of 2019

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