



W.P.No.32128 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32128 of 2015

and

M.P.No.1 of 2015

V.D.S.D.Goutham Kumar

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Villupuram,
O/o.The Joint Commissioner,
Villupuram District.

2.The Executive Officer,
A/m.T.P.Surya Narayana Chettiyar
Annadhana Thevaara Paadasalai,
Thiruvoodal Street,
Tiruvannamalai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 19.09.2015 passed by the second respondent and quash the same and consequently, direct the second respondent to forward the representation dated 01.07.2015 to the Competent Authority for due consideration.

For Petitioner : Mr.V.Srikanth
For Respondents : Mr.NRR.Arun Natarajan
Special Government Pleader
(HR & CE) for R1
Mr.R.Swaminathan for R2

ORDER

This Writ Petition has been filed challenging the termination order dated 19.09.2015, passed by the second respondent and for a consequential direction to the second respondent to forward his representation dated 01.07.2015 to the Competent Authority for due consideration.

2. The case of the petitioner is that Madras Terraced Shop measuring to an extent of 206 sq.ft., situated in Door No.84, Car Street,



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comprised in T.S.No.769, Tiruvannamalai Town, belongs to Arulmighu T.P.Surya Narayana Chettiyar Annadhana Thevaara Paadasalai, and the said premises has been leased out to the petitioner on 01.03.1997. Since the building was in dilapidated condition, the petitioner approached the first respondent seeking permission to put up new construction and undertook to donate the building to be constructed to the said Institution and permission was also granted. The petitioner has completed the construction of ground floor in the said premises and has executed a gift deed dated 24.06.2015 in favour of the second respondent and thereafter, the petitioner made an application to the second respondent on 01.07.2015 seeking permission to construct the first floor. However, the second respondent has filed a suit in O.S.No.142 of 2015 before the District Munsif Court, Tiruvannamalai, and obtained interim injunction restraining the petitioner from putting up any construction on the first floor of the subject premises. Thereafter, the petitioner stopped the further work in the subject premises. While so, the second respondent has passed the impugned order dated 19.09.2015 terminating the leasehold right over the subject premises and directing the



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petitioner to hand over the subject premises within a period of 15 days from the date of receipt of the impugned order. Challenging the same, the present Writ Petition has been filed.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that it would suffice if this Court permits the petitioner to approach the first respondent by way of filing an application for revision under Section 21-A of the Hindu Religious and Charitable Endowments Act, against the impugned order and directs the first respondent to pass appropriate orders on the application.

4. Heard the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the



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impugned order dated 19.09.2015 passed by the second respondent, permits the petitioner to approach the first respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Villupuram, by way of filing an application for revision under Section 21A of the Hindu Religious and Charitable Endowments Act, within a period of two weeks from the date of receipt of a copy of this order and directs the first respondent to pass appropriate orders in the application, if any, filed by the petitioner within a period of six weeks from the date of receipt of a copy of the application.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

27.08.2024

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



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To

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O/o.The Joint Commissioner,
Villupuram District.
- 2.The Executive Officer,
A/m.T.P.Surya Narayana Chettiyar
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M.DHANDAPANI,J.

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