



W.P. No.11100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HONOURABLE **Mrs. JUSTICE V. BHAVANI SUBBAROYAN**

W.P. No.11100 of 2024

Samundeeswari

.. Petitioner

Versus

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uttamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.

2.Arulmigu Ellaiamman Palandiamman Temple,
Represented by its Executive Officer,
Nochikuppam, Mylapore,
Chennai – 600 004.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying
to issue a Writ of Mandamus, directing the 1st respondent herein to reconsider
the representation dated 01.06.2023.

For Petitioner : Mr.M.Maharaja

For Respondents : Mr.K.Karthikeyan
Government Advocate



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ORDER

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This writ petition has been filed for issuance of a Writ of Mandamus directing the 1st respondent to re-consider the representation of the petitioner, dated 01.06.2023.

2.The case of the petitioner is as follows :

The petitioner purchased the property to an extent of 297 sq.ft. from one Chidambaram on 10.06.2013 for a sale consideration of Rs.12,00,000/-,. After purchasing the property, the petitioner constructed a brick house and has been residing there along with her family for more than 10 years. The petitioner has obtained electricity service connection, ration card and is also paying water and sewerage taxes in respect of the property. While so, on 25.10.2022, it was brought to the notice of the petitioner that the property belongs to the 2nd respondent Temple and that there is a Court decree to that effect and that the petitioner has to pay the rental arrears amounting to Rs.2,00,000/- to the Temple. The petitioner immediately paid a sum of Rs.1,00,000/- by pledging her jewels and undertook to pay the remaining amount later. While so, on 26.10.2022, the Court officials along with Ameenass came to the property for evicting the petitioner. The petitioner informed the HR & CE officials that she purchased the property from one Chidambaram, believing that he is the owner



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of the property. Based on the oral undertaking given by the petitioner that she will pay the remaining rental arrears to the Temple and at the request of the petitioner to recognize her as a tenant under the Temple, the officials of the HR & CE Department informed the petitioner that they will refer to their higher officials for recognizing the petitioner as tenant under the Temple on sympathetic grounds.

3. Thereafter, on enquiry, the petitioner came to know that a suit in O.S.No.4174 of 1991 filed by the 2nd respondent Temple against the said Chidambaram (vendor of the petitioner) and another, had been decreed in favour of the Temple on 12.09.2005, and the appeal preferred by the said Chidambaram and another in A.S.No.233 of 2006 was also dismissed on 12.04.2007. It was also learnt by the petitioner that the Execution Petition filed by the Temple in E.P.No.1321 of 2019 is pending before the City Civil Court, Chennai. The petitioner further states that she has filed a petition to implead herself in the execution proceedings and the matter is now adjourned to 25.04.2024.

4. In this background, the petitioner approached the 1st respondent by way of representation dated 01.06.2023 to recognize the petitioner as a tenant under



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the 2nd respondent Temple. Since there was no response, the petitioner filed a writ petition in W.P.No.16793 of 2023 for a direction to the 1st respondent to consider the representation of the petitioner. Since this Court opined that it was too early to consider the representation of the petitioner, the petitioner withdrew the said writ petition.

5.The grievance of the petitioner is that, till date, the representation of the petitioner dated 01.06.2023 has not been considered. The petitioner's husband is suffering from various ailments and the petitioner is living along with her two children for more than 11 years in the said property and she is even ready to pay the entire rental arrears and the fair rent fixed by the 2nd respondent Temple, in the event of the petitioner being recognized as a tenant under the Temple.

6.Learned counsel for the petitioner only prays that the representation of the petitioner may be considered on merits within a time stipulated by this Court.

7.Considering the facts that the petitioner is in possession of the property for more than 10 years, after unknowingly purchasing the same for a valid



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consideration from a person without title, this Court, without expressing any opinion on the merits of the representation of the petitioner, directs the 1st respondent to consider the representation of the petitioner dated 01.06.2023, on merits and in accordance with law, after affording sufficient opportunity to the petitioner, within a period of 16 weeks from the date of receipt of a copy of this order.

8. With this direction, this writ petition is disposed of. No costs.

24.04.2024

Index: Yes / No

Speaking order / Non speaking order

Neutral Citation Case: Yes / No

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To

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Nungambakkam,
Chennai – 600 034.

2. The Executive Officer,
Arulmigu Ellaiamman Palandiamman Temple,
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V. BHAVANI SUBBAROYAN, J.,

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