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W.P.No.12575 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12575 of 2019

A.Radhakrishnan

... Petitioner

Vs.

- 1.The Vigilance Commissioner,
Secretariat,
Chennai – 600 009.
- 2.The Secretary to Government,
Tourism, Culture and Endowments Department,
Secretariat,
Chennai – 600 009.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Nungambakkam High Road
Chennai – 600 034.
- 4.The Chairman
Chennai Metropolitan Development Agency – cum –
The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.
- 5.The Commissioner of Corporation,
Chennai.
- 6.The Director
Vigilance and Anticorruption Department
Alandur,
Chennai – 600 016.



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7.The District Collector,
Chennai.

8.The Commissioner of Police,
Chennai.

9.The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

10.N.Thirumagal

11.Paranjothi

12.Lakshmanan

13.Charless Vasanthakumar

14.The Executive Officer,
Arulmigu Sithiputhi Vinayagar and
Sundareswarar Temple,
Muthumudali Street,
Royapettai,
Chennai – 600 014.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 8 to take appropriate action on the petitioner request and recover the amounts belonging to the fourteenth respondent temple from the department of ninth respondent and further direction to take appropriate action as against the thirteenth respondent, who cause loss to the fourteenth respondent temple property and thereby secure and safeguard the property situated in S.F.No.1223, Block-25, at Katheedral Road, Chennai belonging to the fourteenth respondent temple by considering petitioner's representation dated 06.04.2019.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.LSM.Hasan Fizal for R1, R7 and R9
Additional Government Pleader
Mr.NRR.Arun Natarajan for R2, R3
Special Government Pleader (HR&CE)
Dr.DBR.Prabhu for R5
Mr.L.Baskaran for R6, R8
Government Advocate (Crl.Side)
Mr.V.Srikanth for R10
R11, R12 and R4 – No Appearance
Mr.S.Sithirai Anandan for R13
Mr.S.Surya for R14
for M/s.A.S.Kailasam Associates

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus, directing the respondents 1 to 8 to take appropriate action on the petitioner request and recover the amounts belonging to the fourteenth respondent temple from the department of ninth respondent and further direction to take appropriate action as against the thirteenth respondent, who cause loss to the fourteenth respondent temple property and thereby secure and safeguard the property situated in S.F.No.1223, Block-25, at Katheedral Road, Chennai belonging to the fourteenth respondent temple by considering petitioner's representation dated 06.04.2019.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is an ardent devotee of the fourteenth respondent temple and the land belonging to the said temple was used by the ninth respondent without any authorization. In this regard, the petitioner made representation dated 06.04.2019 to the respondents 1 to 8, however, the same was not yet considered.

3.The learned Special Government Pleader (HR&CE) appearing for the respondents 2 and 3 submitted that the subject property belong to the fourteenth respondent temple and it was leased out to one G.Charles Vasanthakumar/ thirteenth respondent through public auction conducted on 25.01.2017 and since he demolished major portion of the Eastern side wall of three floors and fixed paver blocks in the adjacent land which was not leased out to him, without any permission from the temple administration and HR & CE department, proceedings under Section 78 of the HR & CE Act was initiated against him and order was passed against him by the Joint Commissioner in M.P.No.184 of 2024 as against which, he preferred revision petition under Section 21 of the HR & CE Act before the Commissioner, HR & CE department in R.P.No.122 of 2021 and the Commissioner vide



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order dated 01.11.2022 disposed of the said revision with certain directions. Thereafter since the thirteenth respondent did not comply with the conditions imposed in the said revision and hence, possession was taken by the fourteenth respondent temple and hence nothing survives for adjudication in this writ petition. He further submitted that action will be taken against the person who has not paid the rent.

4.In view of the above, this Court directs the third respondent to take appropriate action against the person who occupied the premises belonging to the fourteenth respondent temple and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is accordingly disposed of. No costs.

23.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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To

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M.DHANDAPANI,J.
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