



W.P.No.31308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31308 of 2024

P.Venkatachalam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam, Chennai-600 034.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admin) Department,
Tiruppur District.
 - 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admin) Department,
Tiruppur District.
 - 4.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Tiruppur District.
-Respondents



W.P.No.31308 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider and act upon the petitioner's representation dated 15.03.2023 and proceed with the sale of the properties situated in S.No.306 of Pappini Village, Kangayem Taluk, Tirupur District, measuring 8.55 acres belonging to HR & CE Department in favour of the petitioner's Temple, namely, Arulmigu Ivar Rasakkal Temple situated in S.No.306 of Pappini Village, Kangayem Taluk, Tirupur District, in compliance with Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr.S.Ravichandran
Additional Government Pleader
(HR & CE)
for R1 to R4

ORDER

This Writ Petition has been filed to direct the first respondent to consider the petitioner's representation dated 15.03.2023 and proceed with the sale of the properties situated in S.No.306 at Pappini Village, Kangayem Taluk, Tirupur District, measuring 8.55 acres belonging to HR & CE Department in favour of the petitioner's Temple, namely, Arulmigu Ivar



W.P.No.31308 of 2024

Rasakkal Temple situated in the aforesaid survey number, in compliance with Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, within a time fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner, who is the Secretary of Arulmigu Ivar Rasakkal Swamy Temple, made a representation on 15.03.2023 before the first respondent for sale of the properties situated in S.No.306 at Pappini Village, Kangayem Taluk, Tirupur District, in favour of the aforesaid Temple, however, the same has not been considered so far. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that the sale of the subject properties belonging to the Tamil Nadu Hindu Religious and Charitable Endowment Department is impermissible and though the power is available under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the



W.P.No.31308 of 2024

WEB COPY

properties of the Tamil Nadu Hindu Religious and Charitable Endowments Department will not be sold to any third party and if at all the properties are leased out for auction, the petitioner may participate in the auction.

4. Recording the submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Writ Petition is dismissed with liberty to the petitioner to participate in the auction, if any, conducted by the respondents. There shall be no order as to costs.

28.10.2024

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



W.P.No.31308 of 2024

WEB COPY

To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admin) Department,
Tiruppur District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admin) Department,
Tiruppur District.
4. The Executive Officer,
Hindu Religious and Charitable Endowment (Admin) Department,
Tiruppur District.



WEB COPY



W.P.No.31308 of 2024

M.DHANDAPANI, J.

ssb

W.P.No.31308 of 2024

28.10.2024