



WEB COPY



W.P.No.30701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE S.SOUNTHAR

W.P.No.30701 of 2023
and W.M.P.Nos.30361 and 30363 of 2023 and
W.M.P. No. 39738 of 2024

Soosaiya Peter Educational Trust
Rep By Managing Trustee S.Peter,
Madha Nagar, Kundrathur, Chennai- 600 069. ... Petitioner

Vs

1. The State Of Tamil Nadu
Rep By The Secretary To Government,
Hindu Religious And Charitable Endowments
Department, Government Of Tamil Nadu,
Secretariat, Fort St. George, Chennai- 600 090.
- 2.The Commissioner
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai-600 034.
- 3.The Joint Commissioner
Hindu Religious And Charitable Endowments
Department, District Collectorate Campus
Kancheepuram – 631 501.
- 4.The District Revenue Officer-cum-Sole Officer-I
(Temple Properties) Office of the Commissioner
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai 600 034.



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5.Arulmighu Sekkizhar Swami Thirukovil
Rep.by its Executive Officer
Kundrathur, Chennai 600 069.

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Respondents

Prayer : Writ Petition under Article 226 praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent pertaining to Miscellaneous Petition bearing M.P. NO. 295/ 2023 dated 30.09.2023 and quash the same and consequently direct the Respondents 1 and 2 to pass appropriate orders to exchange the land belonging to the 5th Respondent situated in S.NNo. 1211/ 1 Kundrathur Village, Kanchipuram District admeasuring 0.86 Cents in exchange for the Petitioners Patta land in S.No. 1081 Kundrathur village , Kanchipuram District admeasuring 0.86 cents within a time frame to be fixed by this Honble court.

For Petitioner : Ms.B.Parithika Devi
for Mr.Richardson Wilson
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR,J.**)

The prayer sought for in this writ petition is for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent pertaining to Miscellaneous Petition bearing M.P. NO. 295/ 2023 dated 30.09.2023 and quash the same and consequently direct the Respondents 1 and 2 to pass appropriate orders



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to exchange the land belonging to the 5th Respondent situated in S.NNo. 1211/ 1 Kundrathur Village, Kanchipuram District admeasuring 0.86 Cents in exchange for the Petitioners Patta land in S.No. 1081 Kundrathur village , Kanchipuram District admeasuring 0.86 cents within a time frame to be fixed by this court.

2. When this case came up for hearing on 07.11.2024, on hearing both sides we passed the following order:

“ In respect of the encroached lands belonging to Arulmighu Sekkizhar Swami Temple, Kundrathur, Chennai, it is the stand of the Temple / HR & CE Department that the lands at Survey Nos.1079/1, 1079/2 and 1131/1 are the lands which are identified by the Temple / HR & CE Department belonging to the petitioner Trust can be exchanged as that would meet the requirement of the relevant Government Order ie., 225% value than the actual value of the land encroached by the petitioner.

2. In respect of this stand of the HR & CE Department / Temple, the learned counsel for the petitioner wants to get instructions from the petitioner and report before this Court. Hence, he seeks two weeks time.

3. Post the matter on 21.11.2024.”

3. Thereafter, again the matter came up for hearing on 28.11.2024. On that date, as directed by our earlier order dated 07.11.2024, the petitioner's counsel has not come forward with instructions with regard to the stand of the HR & CE



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Department regarding the proposed land transfer. Therefore, recording the same, we passed the following order on 28.11.2024.

"Petitioner since wanted to get instructions to the stand of the HR & CE Department for exchange of lands, time was given till 21.11.2024. However, when the case is taken up for hearing today, the learned representing counsel appearing for the petitioner submits that despite the counsel on record has sent a communication stating the nature of the order passed by this Court, dated 07.11.2024 and sought for instructions, the petitioner has not so far come forward to give instructions. Hence, as a last chance, he seeks one more week time for getting such instructions to get along with the case.

2.Recording the said submissions of the learned representing counsel for the petitioner, post this matter on 05.12.2024 for compliance as directed by the order of this Court, dated 07.11.2024. It is made clear that, on the next date of hearing, if the petitioner does not come forward with instructions to get along with the case, it would be dismissed in limine for want of prosecution.

4. Thereafter, again when the case is taken up for hearing today, the learned representing counsel submits that, no instructions have been received from the petitioner and therefore she seeks further time.

5. If at all the petitioner wants to resolve this issue in the manner known to law, as the stand of the HR & CE Department has already been made known to them, they should have come forward with their proposal to meet the stand taken



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by the HR & CE Department, for which, even though time has been given more than twice, the petitioner since has not come forward to give any instructions even to the counsel and this position continues for the last two hearings and moreover, in our last order dated 28.11.2024 in Para 2 we have recorded that on the next date of hearing, if the petitioner does not come forward with instructions to get along with the case, it would be dismissed *in limine* for want of prosecution, we are not inclined to accede to the request now made by the counsel who seeks further time, as no progress has been made in the last two or three hearings despite the stand of the HR & CE Department having been made clear.

6. In that view of the matter, it has become inevitable to dismiss this writ petition for want of prosecution, as the petitioner has not come forward to prosecute the same in the manner known to law. Accordingly, this writ petition is dismissed for want of prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (S.S.,J.)
12.12.2024

Index : Yes/No
Internet : Yes/No
KST



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To

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Rep By The Secretary To Government,
Hindu Religious And Charitable Endowments
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2. The Commissioner
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