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W.P.No.32504 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32504 of 2024

R.Arul @Arulprakasam
...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Tourism,
Culture and Religious Endowments,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Commissioner, Hindu Religious &
Charitable Endowments,
119, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.
3. The Executive Officer,
Arulmigu Swarnapureeswarar Temple,
Semponnar Temple (Po),
Tharangambadi Taluk,
Mayiladuthurai District - 609 309
4. R.Raja
5. R.Amutha
6. R.Jayachithra
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent herein to consider petitioner representation dated 28.08.2024 and thereby refrain from



receiving any lease rent payments from anybody else other than petitioner herein.

For Petitioner : Mr.P.Dinesh Kumar
For R1 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R2 & R3 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the third respondent to consider his representation dated 28.08.2024 and pass final orders.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the subject property with an extent of one acre and 3 cents in survey No.18/4 and commercial plots in Survey Nos.18/17 and 18/15 in Kizhamukkutu Bazaar Road, Sembanarkovil Village, Tharangambadi Taluk, Mayiladuthurai District belonged to the third respondent. The petitioner's father Ramakrishnan entered into a lease agreement in the name of the Temple in the year 2008-2009. The petitioner's father executed a Will on 05.03.2014 bequeathing the right over the above



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property infavour of the petitioner. After the death of his father, the petitioner has been in possession and enjoyment of the same and the petitioner is willing to pay the rent to the third respondent. However, the petitioner's siblings namely the private respondents 4 to 6 also claim right over the property making an attempt to pay the lease rent. Therefore, the petitioner submitted a representation dated 28.08.2024 seeking the third respondent not to receive the rent from the private respondents and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. Mr.S.Ravi Chandran, learned Additional Government Pleader, who takes notice for the respondents 2 & 3 would submit that in respect of the right of the parties a civil suit is pending in O.S.No.60 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Tharangambadi.

5. The petitioner claims exclusive right over the lease hold property by virtue of the Will allegedly executed by his father. The said question has to be considered and decided by the Civil Court, if validity of the Will is disputed by private respondents. In these circumstances, without expressing any opinion on the right claimed by the petitioner, this Court is inclined to issue a direction to the third respondent to consider the representation filed by the petitioner



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dated 28.08.2024 and pass final orders, on its own merits, after issuing necessary notice to the petitioner and the private respondents 4 to 6 and any other interested parties, within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

11.11.2024

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

1. The Secretary,
The State of Tamil Nadu,
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S. SOUNTHAR, J.

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