



WEB COPY

WP No. 17252 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2024

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 17252 of 2017
and WMP.Nos.18754 to 18755 of 2017**

S.Thangamani,

Petitioner(s)

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administrative
Department, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Salem.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department, Salem.

4.The Executive Officer,
Arulmighu Sivasubramanya Swamy
Temple, Kumaraswamypettai,
Dharmapuri.

Respondent(s)

**PRAYER****WEB COPY**

This Writ Petition is filed under article 226 of Constitution of India seeking Writ of Certiorari Mandamus to call for the records relating to the impugned order passed by the 1st respondent dated 22.06.2017 made in R.P.No. 151/2017 D2 in confirming the order passed by the 2nd respondent dated 15.07.2016 made in M.P.No. of 7/2014 and to quash the same consequently direct the 4th respondent to de-seal the premises in respect of Shop nos. 40 to an extent of 508 sq. ft., (Bakery) 41 to an extent of 173 sq.ft (Easwar Graphics), 43 to an extent of 183 sq.ft. (Maruthi Vinyl) 43 to an extent of 162 sq.ft. (Ganga Liners) 40 and 41 together to an extent of 313 sq. ft. (Om Sakthi Driving School) at Nachiappa Gounder Street, Kumarasamypettai, Dharmapuri Town and Taluk.

For Petitioner(s): M/s.R.Sankarasubbu

For Respondent(s): Mr.S.Ravichandran AGP for R1
to R3
Mr.V.R.Annagandhi for R4

**ORDER**

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This Writ Petition is filed seeking quashment of the impugned order passed by the 1st respondent dated 22.06.2017 made in R.P.No.151/2017 D2 confirming the order passed by the 2nd respondent dated 15.07.2016 made in M.P.NO.7 of 2014 and for consequential direction to the fourth respondent to de-seal the premises in respect of shop Nos.40 to an extent of 508 sq.ft., (Bakery) 41 to an extent of 173 sq. ft (Easwar graphics), 43 to an extent of 183 sq.ft (Maruthi Vinyl) 43 to an extent of 162 sq.ft. (Ganga liners) 40 and 41 together to an extent of 313 sq.ft. (Om Sakthi Driving School) at Nachiappa Gounder street, Kumarasamypettai, Dharmapuri Town and Taluk.

2. The petitioner entered into a lease agreement with the 4th respondent temple in the year 1984 for a property in Dharmapuri, where he constructed a permanent structure and has been paying rent. Despite paying rent and complying with the terms of the lease, the temple authorities issued a notice of eviction in the year 2017, treating the petitioner as an encroacher. The petitioner challenged the eviction notice before the Court, which directed him to deposit



the arrears of rent and granted him liberty to file a revision against the eviction order. However, the petitioner's revision was dismissed by the 1st respondent, and hence, he has filed the present Writ Petition challenging the eviction order and the dismissal of his revision.

3. The learned counsel for the petitioner contends that the proceedings are vitiated since, he is a lawful tenant and not an encroacher, as such, the application under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act is not maintainable.

4. The learned counsel for the respondent submits that the possession of the disputed property was already taken over by the temple authorities and therefore, nothing survives for further adjudication in the Writ Petition. Hence, the learned counsel for the respondent prays for dismissal of the Writ Petition.

5. Heard both sides and perused the records.



6. Since possession of the disputed property has already been taken,
nothing survives in this Petition.

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7. Accordingly, this Writ Petition is dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

03-09-2024

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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2. The Joint Commissioner,
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4. The Executive Officer,
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M.DHANDAPANI, J.

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