



W.P.(MD) No.15886 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15886 of 2023

S.Saraboji

... Petitioner

Vs.

- 1 The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungambakkam, Chennai - 34.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3 The Executive Officer,
Arulmigu Rajagopala Swamy Thirukovil,
Mannarkudi,
Thiruvarur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 3 to carry out the amendment by substituting the petitioner's name in the name of erstwhile tenant in respect of the property in Survey No.4450/A in the ledger being maintained for disclosing the names of the tenants occupying the properties



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belonged to Arulmigu Rajagopala Swamy Thirukovil, Mannarkudi, Thiruvarur District pursuant to the Resolution No.1 passed in the meeting conducted by the Board of Trustees held on 02.11.2009 and in the light of the communication of the 3rd respondent dated 04.11.2009 and consequently direct the respondent to issue the receipt for the receipt of payment of rent in the petitioner's name.

For petitioner : Mr.R.Anand

For respondent : Mr.P.Subbaraj
Special Government Pleader for R1 and R2
Mr.V.Chandrasekar for R3

ORDER

Heard learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and learned counsel for the third respondent.

2. This Writ Petition has been filed for a Writ of Mandamus for the relief of directing the respondents No.1 to 3 to carry out the amendment by substituting the petitioner's name in the name of erstwhile tenant in respect of the property in Survey No.4450/A in the ledger being maintained for disclosing the names of the tenants occupying the properties belonged to Arulmigu Rajagopala Swamy Thirukovil, Mannarkudi, Thiruvarur District, pursuant to the Resolution No.1 passed in the meeting conducted by the Board of Trustees held on



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02.11.2009 and in the light of the communication of the 3rd respondent dated 04.11.2009 and consequently direct the respondent to issue the receipt for the receipt of payment of rent in the petitioner's name.

3. It is informed by the learned Special Government Pleader for the respondents 1 and 2 that the subject property originally leased out to one Vasanthamalai, who had sub-leased the property to one Gandhilal, who, in turn, sub-leased the property to the petitioner.

4. It is further submitted by the learned Special Government Pleader for the respondents 1 and 2 that M.P.No.179/2022/C2 has been initiated against the petitioner under Section 78 of the TNHR&CE Act, 1959.

5. It is further submitted that the private arrangement between the petitioner and the said Gandhilal and Vasanthamalai, is without consent of the TNHR&CE Department, therefore, proceedings has been initiated under Section 78 of the TNHR&CE Act, 1959.



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6. Considering the fact that the petitioner is in possession of the property and as long as rents have been paid by the petitioner to third respondent, the second respondent is directed to dispose of M.P.No.179/2022/C2 proceedings initiated under Section 78 of the TNHR&CE Act, 1959, after considering the same. If so, there may not be any impediment in recognizing the petitioner as a tenant. In which case, the tenancy is in favour of the petitioner may be attained. The petitioner, therefore, directed to participate in the proceedings in M.P.No. 179/2022/C2.

This Writ Petition is disposed of with above directions. No costs.

Index : Yes / No

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Internet : Yes / No

apd

To

1 The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungambakkam, Chennai - 34.

2 The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.

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