



W.P.(MD)No.19419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.19419 of 2024

and

W.M.P.(MD)No.16501 of 2024

Vellankanni

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

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

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

4.The Executive Officer,
Arulmigu Kalahtheeswarar Thirukovil,
Mullipadi,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the fourth respondent dated 09.11.2022 and quash the same and consequently direct the respondents to receive the rent and treat the petitioner as a tenant.



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For Petitioner : Mr.R.Murali
For R-1 to R-3 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-4 : Mr.Chandrasekar

ORDER

This Writ Petition is filed challenging the impugned communication dated 09.11.2022, issued by the Executive Officer to the petitioner on the premise that the petitioner has encroached the land belonging to the Temple property comprised in Survey No.421/B to an extent of 2.98.00 Hectare situated at Mullipadi Village, Dindigul District.

2. The learned counsel for the petitioner would submit that while the petitioner does not dispute the title of the Temple, he would submit that the impugned notice issued by the Executive Officer was prior to any order made by the Joint Commissioner under Section 78 of the Hindu Religious and Charitable Endowments Act, to which the learned counsel for the respondents would submit that this is only initiation of the proceedings under Section 78 of the Act.



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3. The learned counsel for the petitioner would further submit that the petitioner is willing to pay the rent due to the temple, for the portion which is under his occupation and be permitted to continue in the said premises, wherein, he is residing.

4. The petitioner may submit a representation before the appropriate authorities requesting them to execute lease deed as contemplated under Section 34 or/and fix the rent in terms of Section 34A of the Act.

5. It was submitted by the learned counsel for the respondents that any such representation made by the petitioner before the Commissioner, who is the appropriate authority, would be disposed of within a period of six months. In the meanwhile, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) every month, under the head damages until the disposal of the above representation. This was readily agreed to by the learned counsel for the petitioner.

6. Recording the same, this Writ Petition is closed, permitting the petitioner to file a representation before the Commissioner of Hindu Religious



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MOHAMMED SHAFFIQ, J.

Nsr

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