



W.P.(MD).No.23588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.23588 of 2024

TK.Venkatachalam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Nungampakkam High Road,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.
- 3.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukkivil,
Palani - 624 601.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.
- 5.Marimuthu,
The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukkivil,
Palani - 624 601.



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6.Lakshmi,
The Assistant Commissioner /
PA to Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukkivil,
Palani - 624 601.

7.Kannan,
Assistant Divisional Engineer (Civil),
Arulmigu Dhandayuthapani Swamy Thirukkivil,
Palani - 624 601.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents No. 3 and 4 not to evict the petitioner from running his shop namely “Shri Shanmuga Vilas Coffee Club” located in Survey No.862 at Palani Hill till the disposal of revision petition in R.P.No.443/2024 pending before the first respondent.

For Petitioner	: Mr.K.Vijayanand
For R-1, R-2 & R-4	: Mr.K.S.Selvaganesan Additional Government Pleader
For R-3	: Mr.R.Murali

ORDER

The present Writ Petition is filed for Mandamus forbearing the respondents 3 and 4 not to evict the petitioner from his shop, viz., “Shri Shanmuga Vilas Coffee Club” in Survey No.862 at Palani Hill till the disposal of revision petition pending before the first respondent in R.P.No.443/2024.



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2. In view of the limited relief sought for and proposed to be granted by this Court, notice to respondents 5 to 7 is dispensed with.

3. It is submitted by the learned counsel for the petitioner that the petitioner's grandfather and father, viz., P.Venkatachalam and TV.Krishnaiyer respectively, were inducted as tenants in respect of the property in Survey No. 862, Ward No.3, Block No.20 in Palani Hills in the year 1928. Initially, it was a tin shed and in the year 1949, the temple management constructed a building and let out the same to the petitioner's father, who is said to have constructed a superstructure, where the hotel is being run in the name and style of “Shri Shanmuga Vilas Coffee Club”. The petitioner is paying rent without any default, which was originally fixed at Rs.15/- per month, enhanced periodically and presently Rs.1,50,000/- per month.

4. It is further submitted that proceedings were initiated against the petitioner under Section 78 of the Hindu Religious and Charitable Endowments Act in M.P.No.15/2021 and concluded by the Joint Commissioner vide order dated 05.09.2024, wherein, the petitioner was treated as an encroacher of the temple property. As against the said order, a revision petition in R.P.No.443/2024 has been filed by the petitioner before the Commissioner



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under Section 21 of the Act and an interim application for stay is also filed. The petitioner apprehends that pending revision, he would be forcefully evicted from the subject property and thus, the present Writ Petition has been filed.

5. It is submitted by the learned Additional Government Pleader appearing for the official respondents that the interim application would be disposed of within a period of three weeks from the date of receipt of a copy of this order and until then, no coercive proceedings would be initiated by the respondents. It is further submitted that the revision petition would be disposed of within a period of two months from the date of receipt of a copy of this order, which was accepted by the learned counsel for the petitioner.

6. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent herein to dispose of the interim application filed in the revision petition within a period of three (3) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner, respondents 5 to 7 and any other interested parties/stake holders and until then, there shall be no coercive proceedings against the petitioner. The first respondent shall dispose of the revision petition in R.P.No.443/2024, after affording reasonable opportunity of hearing to the petitioner, respondents 5 to 7



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and any other interested parties/stake holders, within a period of two (2) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the application and it is open to the concerned respondent to consider the application on its own merits and in accordance with law.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

03.10.2024

Index : Yes / No
Internet : Yes/ No
Lm

To

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MOHAMMED SHAFFIQ, J.

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