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W.P.No.5124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5124 of 2025

and

W.M.P.No. 5685 of 2025

G.E.JAYASHANKAR

... Petitioner

Vs

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT,
NUNGAMBAKKAM, CHENNAI - 600 034.
2. THE JOINT COMMISSIONER -I,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT,
EVK SAMPATH BUILDINGS,
9TH FLOOR, COLLEGE ROAD,
NUNGAMBAKKAM, CHENNAI- 600 006.
3. THE EXECUTIVE OFFICER,
A/M. SRINIVASA PERUMAL TEMPLE,
NO. 2, VATHIYAR KANDAPPA STREET,
CHOO LAI, CHENNAI- 600 112.
4. B. PRAKASH CHAND

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to take



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appropriate and necessary action so as to cancel, nullify, set aside the illegal, unlawful and fraudulent sale deeds dated 05.07.2002 registered and Document No.1313/2002 at the SRO, Periamet and the sale deed dated 12.04.2007 registered as document No.892/2007 at the SRO, Periamet, and the subsequent patta issued in the name of the 4th respondent as well as to recover the property at door No.3, Venkatachala Mudali Street, Choolai Chennai - 600 112 from the 4th respondent and initiate criminal action against the 4th respondent and all those involved in such fraudulent activities within a time frame as may be fixed by this Court.

For Petitioner : Mr.W.M.Abdul Majeed
For R1 to R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

In view of the nature of relief that is granted in this writ petition, this writ petition is disposed of at the admission stage itself without notice to the fourth respondent private party, as the rights of the fourth respondent are not determined one way or the other by the order that is proposed to be passed.



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2. The grievance of the petitioner is that certain properties belonging to the third respondent temple are being dealt with by private persons, including registering the documents and no action has been taken. As such, the petitioner has made a complaint to the first and second respondent authorities, but no action has been taken. Therefore, the present writ petition is filed.

3. When the matter came up for hearing, the learned Special Government Pleader appearing on behalf of the first to third respondents, by producing written instructions dated 13.02.2025, submitted that action has already been initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The matter is taken up in M.P.No. 6 of 2023 and an enquiry has been conducted. Steps have also been taken with respect to the change of Patta and an application has been made to the Tahsildhar, Purasaiwakkam. The parties have been issued summons for oral enquiry and the parties are appearing. In view thereof, this writ petition is disposed of on the following terms:-

(i) The first to third respondents authorities shall continue the action in accordance with law. It is needless to



mention that a notice can also be issued to the petitioner to place whatever documents in his possession with reference to the issue and final orders can be passed, duly securing the temple property, if the property belongs to the temple.

(ii) Furthermore, all the defences of the fourth respondent are kept open to be raised before the first to third respondents authorities during the course of the enquiry. The first to third respondents authorities shall complete the exercise as expeditiously as possible, in any event not later than a period of four months from the date of receipt/production of website uploaded copy of this order, without waiting for the certified copy of the order.

(iii) No costs. Consequently, connected miscellaneous petition is closed.

14.02.2025

Neutral Citation: Yes/No
nsl



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To

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2. THE JOINT COMMISSIONER -I,
HINDU RELIGIOUS AND CHARITABLE
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D.BHARATHA CHAKRAVARTHY, J.

nsi

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