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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21010 of 2025

T.Gokul

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable Endowment,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner
Hindu Religious And Charitable
Endowment,
EVK Sampath Palace,
9th Floor,
DPI Complex,
Chennai-600 006.

3.The Assistant Commissioner
Hindu Religious And Charitable
Endowment,
Chennai-600 006



4.The Executive Officer
Arulmigu Pachaiyammam And
Mannariswarar Thirukoil,
Chennai-600 002.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take the Appeal in file, which was returned by him on 06.02.2024 vide proceedings N.Dis.No.279250/2024/D2 dated 06.02.2024

For Petitioner(s): Mr.T.S.N.Prabhakaran

For Respondent(s): Mr.K.Karthikeyan
Government Advocate
for R1 to R4

ORDER

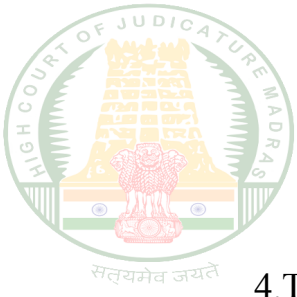
This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to deal with the appeal filed by the petitioner and which was returned on 06.02.2024 and it was directed to be submitted before the 2nd respondent and that it was not acted upon by the 2nd respondent.

2.When the matter came up for hearing on 13.06.2025, this Court directed the learned Government Advocate to take notice on behalf of the respondents



and ascertain as to whether R.P.No.2 of 2024 is pending on the file of the 2nd respondent. The case was directed to be posted for hearing today.

3. When the matter was taken up for hearing today, the learned Government Advocate produced the written instructions received from the 4th respondent. On going through the same, the 4th respondent has taken a stand that no application is pending before the 2nd respondent in the name of the petitioner. It has been further stated that there is arrears of rent payable by the petitioner and till 31.11.2023 it works out to the tune of Rs.10,78,980/-. Hence, the lease itself was cancelled and the notice dated 19.10.2023 was issued by the 4th respondent. Now the petitioner is occupying as a trespasser and hence, already request has been made to the Joint Commissioner to initiate proceedings under Section 78 of the HR & CE Act. Pursuant to the receipt of such request, the Joint Commissioner has also initiated proceedings and issued notice to the petitioner and the enquiry is pending. As on date, the petitioner is due and payable a sum of Rs.14,05,386/-. It is also alleged that the property has been sub-leased and the petitioner is not in possession and enjoyment of the property and he is collecting the rent from the sub lessee.



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4. The learned counsel for the petitioner submitted that the appeal was filed before the 1st respondent and the 1st respondent returned the appeal papers and directed the petitioner to file the same before the 2nd respondent. Hence, the petitioner has submitted the appeal before the 2nd respondent which was not taken on file and the petitioner was not even informed about the status of such appeal filed by the petitioner. The learned counsel submitted that if the papers are not available before the 2nd respondent, the petitioner will once again file the appeal before the 2nd respondent and workout his remedy.

5. In the considered view of this Court, this Court is not going into the validity of the proceedings initiated against the petitioner under Section 78 of the Act. The petitioner is aggrieved by the fact that the lease has been terminated. Hence, the petitioner wants to challenge the same in the manner known to law. If no appeal/revision is pending before the 2nd respondent, this Court cannot issue any directions. Hence, it is left open to the petitioner to submit a fresh application before the 2nd respondent, if law otherwise permits.



and workout his remedy in the manner known to law. Except giving this clarity,
no further orders can be passed in this writ petition.

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6.This writ petition is disposed of in the above terms. No Costs.

16-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr

To

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N.ANAND VENKATESH J.

SSR

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