



W.P.No.1232 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.1232 of 2025 and
WMP No.1488 of 2025

Saburammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary, H.R & C.E.Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
H.R & C.E., Nungampakkam,
Chennai-34.
3. The Joint Commissioner, H.R & C.E.,
Thanga Vellalar Street, Kancheepuram,
Kancheepuram District.
4. The Assistant Commissioner, H.R & C.E.
Chengelpet.
5. The Executive Officer,
Arulmigu Padalathiri Narasimha Perumal Temple,
Singaperumal Kovil, Chengelpet.
6. K.Shanthi

... Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the first respondent to dispose of the review filed under Section 114 of Hindu Religious and Charitable Endowment Act numbered as R.P.No.05 of 2024 along with the stay petition filed under Sec.114(2) of Hindu Religious and Endowment Act within the time frame fixed by this court and till then not to lease out or rent out the land measuring 2400 sq.ft. of the land rented out to the petitioner in S.No.58, door No.4/465-A, Periyar Street, Singamperumal Kovil belongs to the fifth respondent temple and further direct the third respondent to dispose of the representation of the petitioner dated 11.09.2024, within the time frame fixed by this court.

For Petitioner : Mr. R.T.Shyamala

For Respondents : Mr.S.Ravichandran, Addl.Govt.Pleader
for respondents 1 to 5.

ORDER

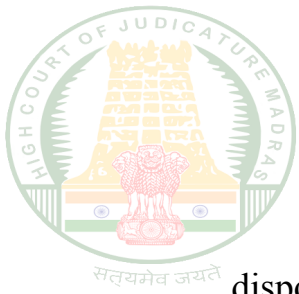
This writ petition is filed seeking a direction the first respondent to dispose of the review filed by the petitioner under Section 114 of the Hindu Religious and Charitable Endowment Act in R.P.No.05 of 2024 along with the stay petition within the time fixed by this court.



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2. It is the case of the petitioner that the land measuring to an extent of 2400 sq.ft. in S.No.58, Singamperumal Kovil belongs to the fifth respondent temple and it was leased out to the petitioner for a monthly rent of Rs.1,700/-. A portion of the leased hold land was encroached by the sixth respondent and hence, at the instance of petitioner, proceedings was initiated against the sixth respondent by the third respondent under Section 78 of the HR & CE Act for removal of the encroachment in M.P.No.1392 of 2022 and the same was allowed by order dated 30.07.2022. Subsequently, a writ petition was filed by the petitioner in W.P.No.1234 of 2022 seeking enforcement of the above said order and it was allowed. Since the said order was not implemented, the petitioner filed a contempt petition No.2144 of 2022. When the contempt petition was taken up for hearing, it was reported before this court that eviction order passed against the sixth respondent was enforced and possession was taken from her. Recording the same, the above said contempt petition was closed. Subsequently, the order passed in W.P.No.1234 of 2022, dated 31.01.2022 was challenged by the sixth respondent in W.A.No.495 of 2024. The said writ appeal was



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disposed of with a direction to the Commissioner of HR & CE Department to dispose of the revision, if any filed by the appellant thereon/sixth respondent herein, challenging the eviction order passed against her. Subsequent to the disposal of the above said writ appeal, the sixth respondent herein filed a revision petition before the second respondent in R.P.No.151 of 2024 and the same was allowed behind back of the petitioner. Aggrieved by the same, the petitioner filed a revision petition under Section 114 of the HR & CE Act and the same is pending disposal in R.P.No.5 of 2024 before the first respondent.

3. The learned counsel for the petitioner submitted that though the revision petition was filed before the first respondent on 24.10.2024 and the same is taken on file as R.P.No.05 of 2024, the first respondent has not commenced enquiry till date. Therefore, she seeks early disposal of the said revision petition. Further, learned counsel for the petitioner vehemently contended that the revision petition filed by the sixth respondent in R.P.No.151 of 2024 was entertained by the second respondent after expiry of the limitation period.

4. In view of the limited prayer made before this court, this court



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is not inclined to go into the merits of the claim made by the petitioner.

Therefore, the first respondent is directed to consider the revision petition filed by the petitioner in R.P.No.5 of 2024 pending on his file and pass final orders on its own merits, within a period of twelve weeks from the date of receipt of copy of the order, after issuing necessary notice to the petitioner, respondents 5 and 6 and also other interested parties. It is open to the petitioner to raise all the points before the first respondent.

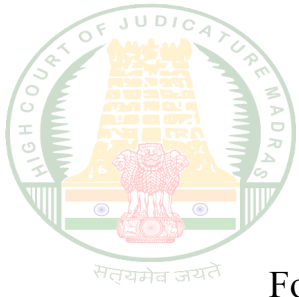
5. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

21.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

1. The State of Tamil Nadu,
rep. by its Secretary, H.R & C.E.Department,



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S.SOUNTHAR, J.

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