

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12166 of 2015

Rangan

... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department
Nungambakkam,
Chennai - 600 034.

2.The Assistant Commissioner cum Executive officer,
Hindu Religious and Charitable Endowments Department
Arulmigu Kapaleeswarar Temple,
Mylapore,
Chennai - 600 004.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner representation dated 15.11.2014.

For Petitioner : Mr.K.S.Kaviarasu
For Respondents : Mr.M.L.Mahendran
Government Advocate

सत्यमेव जयते
O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner claims that he is a tenant of Old Door No.38 and New Door No.95, Luz Church Road, Mylapore, Chennai which belongs to Arulmigu Kapaleeswarar Temple and he took the building on lease from Tmt.Indumathi Srinivasan who has left to Canada after handing over the premises to him and he is also paying the rent to her. The petitioner came to know that said tenant namely, Tmt.Indumathi Srinivasan and as well as the petitioner have been declared as encroachers. In terms of the amnesty scheme announced by the second respondent, committed an application to become direct tenant under the Temple and since the said application has not been disposed of, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner is willing to abide by all or any of the conditions to be imposed by the Temple to enable him to become a direct tenant under them and hence appropriate orders may be passed.

4.Mr.M.L.Mahendran, learned Government Advocate accepts notice for the respondents and would contend that since no acknowledgement is available to the submission of the application, petitioner may be directed to submit one more application.

5.Heard the submissions of Mr.K.S.Kaviarasu, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate who accepts notice for the respondents.

6.This Court without going into the merits of the representation permits the petitioner to submit one more application in terms of the scheme announced by the second respondent within a period of one weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same is directed to consider in accordance with law and pass orders as expeditiously as possible and not later than eight weeks thereafter and communicate the decision to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department
Nungambakkam,
Chennai - 600 034.

2.The Assistant Commissioner cum Executive officer,
Hindu Religious and Charitable Endowments Department
Arulmigu Kapaleeswarar Temple,
Mylapore,
Chennai - 600 004.

1 cc to Mr. K.S.Kaviarasu, Advocate, SR.No.22671

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kk(co)pmk.13.5.2015