

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R. SUBBIAH

Writ Petition No.14476 of 2015

and

M.P.No.1 of 2015

B. Yogaraj

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious Charitable Endowment,
Nungambakkam, Chennai - 600 034.

2. The Executive Officer,
Arulmighu Kongalamman Thirukoil,
Erode Town, Erode.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing respondents 1 and 2 to consider the petitioner's representation dated 17.04.2015 within a time frame.

For Petitioner : Mr. A. M. Venkatakrishnan

For Respondents : Mr.M.L. Mahendran
Government Advocate

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 17.04.2015 within a time frame.

2. The case of the petitioner is that he is in absolute possession and enjoyment of the property situated at Old Door No. 588, New No. 450, Nethaji Road, Erode Town, Erode -1, measuring about 744 sq.ft. Originally, the petitioner's grandfather took the property on lease from the 2nd respondent in the year 1951 and established a flour mill in the schedule mentioned property. He was paying taxes and rents regularly to the respondents as well as to

various other authorities. After the demise of the petitioner's grandfather, his father took possession of the property and he was paying rents regularly to the respondents. According to the petitioner, his father was in undisputed possession and enjoyment of the schedule mentioned property till his death on 14.05.2012. Thereafter, the petitioner stepped into his father's business for running the family and therefore, requested the respondents to transfer the lease in his favour. However, there was no response. Hence, the petitioner submitted a representation to the respondents on 17.04.2015 seeking transfer of lease in his favour. Since the said representation is still pending with the respondents, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel on either side.

4. Considering the limited scope of the relief sought, the writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 17.04.2015, with regard to transfer of lease in his favour, and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar(CS II)/
Vacation Officer

//True Copy//

Sub Assistant Registrar

nv
To

1. The Commissioner,
Hindu Religious Charitable Endowment,
Nungambakkam, Chennai - 600 034.

2. The Executive Officer,
Arulmighu Kongalamman Thirukoil,
Erode Town, Erode.

+1cc to Mr.A.M.VenkataKrishnan, Advocate, S.R.No.25216

+1cc to the Government Pleader, S.R.No.25290

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RSY(CO)
CA(21/05/2015)