

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16103 of 2015  
and M.P.Nos.1 and 2 of 2015

R.Sivagnanam

.. Petitioner

Vs.

- 1.The Commissioner,  
Hindu Religious & Charitable Endowment Department,  
No.119, Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai-600 034.
- 2.The Joint Commissioner,  
Hindu Religious & Charitable Endowment Department,  
Opp. to Masila Market Committee,  
Villupuram.
- 3.The Assistant Commissioner,  
Hindu Religious & Charitable Endowment Department,  
Opp. to Collector Office,  
Cuddalore.
- 4.The Executive Officer,  
Arulmighu Vaidyanatha Swamy Koil,  
Thittakudi, Cuddalore District.
- 5.The Inspector,  
Arulmighu Vaidyanatha Swamy Koil,  
Thittakudi, Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 25.04.2015 of the petitioner and regularize the occupation of the petitioner as a Tenant in the shop situate on the southern side entrance of Arulmighu Vaidyanatha Swamy Koil, Thittakudi, Cuddalore District.

For Petitioner : Mrs.AL.Gandhimathi

For Respondents : Mr.M.L.Mahendran  
Government Advocate (H.R.& C.E.)

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims that he is running a small petty shop very near to the southern side entrance of Arulmighu Vaidyanatha Swamy Koil, Thittakudi, Cuddalore District and right from the year 1980, the respondent temple is receiving rent for the said place from the petitioner on monthly basis and the petitioner is paying the rent regularly and the respondent temple had also issue rent receipts for payment of rent since 1980 upto 2009, but for the reasons best known to the respondent, from the year 2009 the respondent refused to receive the rent paid by the petitioner and the petitioner also approached the temple authorities to regularize his possession as tenant and since no response is forthcoming, he submitted a detailed representation dated 25.04.2015 to the respondents and though the said representation have been acknowledged, no orders have been passed and hence, came forward to file this writ petition.

3. Heard the submissions of Mrs.A.L.Gandhimathi, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, who accepts notice for the respondents 1 to 3 and 5 and would submit that the temporary shop put up by the petitioner is very near to the southern side entrance of the temple and therefore, even assuming that the temple authorities are willing to regularize the possession of the petitioner as a tenant, the said place cannot be given.

4. In response to the said submission, learned counsel appearing for the petitioner prays for permission to enable the petitioner to submit one more representation to the respondents praying for accommodation in any other place owned by the temple situated near to the temple and the said representation may be disposed of in accordance with law within a time bound manner.

5. In the result, this Writ Petition is disposed of permitting the petitioner to submit one more representation to the fourth respondent seeking accommodation in any one of the land owned and possessed by the temple, within a period of one week from the date of receipt of a copy of this order and the fourth respondent, on receipt of the same, is directed to consider the same and pass orders in accordance with law within a period of four weeks thereafter and communicate the decision taken to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

jvm

To

- 1.The Commissioner,  
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- 5.The Inspector,  
Arulmighu Vaidyanatha Swamy Koil,  
Thittakudi, Cuddalore District.

1 cc to Mrs.AL.Gandhimathi , Advocate Sr.No.27839

1 cc to Government Pleader.Sr.No.27702

W.P.No.16103 of 2015

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pmk.11.6.2015

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