

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.26782 of 2015

and

M.P.No.1 of 2015

Ukkamraj

... Petitioner

-Vs-

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

2. The Fit Person/The Assistant Commissioner/
Executive Officer,
A/M.Pattinathar Thirukoil,
Thiruvottriyur,
Chennai - 600 019.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records pertaining to order dated 11.08.2015 passed by the Commissioner H.R & C.E the 1st Respondent in R.P.129/2014 D2 field under Section 21 of the Tamil Nadu H.R & C.E Act, 1959 against the notice dated 05.11.2014 of the Assistant Commissioner/Executive Officer of the Sri Pattinathar Temple in terminating the lease of the petitioner pertaining to the property at No.64, Ormes Road, Kilpak, Chennai- 600 010 and quash the same and consequently directing the respondents to renew the lease period for further period.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

The petitioner is the erstwhile lessee pursuant to the auction conducted. He was permitted to put up construction during the period of lease. By proceedings dated 05.11.2014, the petitioner

was asked to handover vacant possession as the period of lease expired on 31.05.2013. Challenging the same, the petitioner filed a revision under Section 21 of the Hindu Religious and Charitable Endowments Act. The Revisional Authority dismissed the revision and hence, the present Writ Petition has been filed.

2. Admittedly, alternative remedy is available to the petitioner under Section 114 before the Government. Therefore, without going into the merits of the case, the Writ Petition is disposed of giving liberty to the petitioner to exhaust the alternative remedy under the said provision. The petitioner is given four weeks time from the date of receipt of a copy of this order, to file the said revision. Till such time, an order of status quo shall be maintained on condition, the petitioner pays a sum of Rs.1,00,000/- (Rupees one lakh only) to the respondent no.2, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to the contentions raised on merits. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

va

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai - 600 034.
2. The Fit Person/The Assistant Commissioner/
Executive Officer, सतयमेव जयते
A/M.Pattinathar Thirukoil,
Thiruvottriyur, Chennai - 600 019.

+1cc to M/s.S.Arivazhagan, Advocate, S.R.No.45971
+1cc to the Government Pleader, S.R.No.45928

W.P.No.26782 of 2015
and
M.P.No.1 of 2015

MP(CO)
CA(10/09/2015)