

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015
CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.32934 of 2015
and M.P.Nos.1 & 2 of 2015

1.A.Palani
2.G.B.Sivakumar @ G.Kumar
3.Shali Bhadra

... Petitioners

-Vs-

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai - 34.
2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai - 34.
3.The Executive Officer,
A/m.Ekambareshwarar Devasthanam,
Mint, Chennai - 600 003.

4.S.Krishnan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus to quash the order passed in Se.Mu.Na.Ka.No.12515/2012/A3 dated 14.12.2012 by the 2nd respondent and to direct the 2nd respondent to consider the representation 12.02.2014 and 20.02.2014 and 17.03.2014 of the petitioners for direct tenancy under Section 78 (2) filed by the petitioners in accordance with law.

For Petitioners : Mr.G.Surya Narayanan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader (R1 to R3)

O R D E R

The petitioners have come forward to file the present Writ Petition challenging the order dated 14.12.2012, by which the respondent no.4 has been given the tenancy in his name by transferring it from that of one Natwarlal L.Bhatta. It is seen from the typed set of papers that subsequently, the petitioners made a representation seeking to replace their names with that of the respondent no.4. In the communication dated 25.03.2014 sent to the petitioners, it has been stated that the request of the

petitioners as well as the objection raised by the respondent no.4 is pending consideration with the respondent no.3. The said order also states that the respondent no.4 has already filed a Revision before the Commissioner. It also appears that the said Revision was also dismissed since the order under challenge was only a show cause notice. From the above, one thing is clear that the request of the petitioners vis-a-vis the objection of the respondent no.4 is pending consideration of the respondent no.3. Therefore, there is no necessity to challenge the order dated 14.12.2012 as there is subsequent development.

2.In such view of the matter, a direction is issued to the respondent no.3 to take appropriate action in the manner known to law either by passing an order by himself or on getting appropriate directions from the respondent no.2 as the case may be. The concerned authority will have to make decision in this regard after hearing the parties. The said exercise will have to be completed by the respondent no.2 or respondent no.3, as the case may be, within a period of eight weeks from the date of receipt of a copy of this order.

3.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai - 34.

3.The Executive Officer,
A/m.Ekambareshwarar Devasthanam,
Mint, Chennai - 600 003.

1 cc to Mr.G. Surya Narayanan, Advocate, Sr. 56815
1 cc to Government Pleader, Sr. 57120

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VGI (CO)
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