

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6407/2015

Mrs.V.Parameshwari

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Petitioner

Versus

1.The Commissioner

Hindu Religious & Charitable Endowment
Board, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Executive Officer

Arulmigu Avathutha Chidambara Swamy
Madam and Sundara Vinayagar Devasthanam
No.48, Bullah Sahib Street,
Sowcarpet, Chennai 600 079.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS to direct the 1st respondent to consider the petitioner's representation dated 30.01.2015 and to pass necessary order by granting permission to the petitioner to do repair work in superstructure within the time as stipulated by this Court.

For Petitioner : Mr.T.P.Sekar
For R1 : Mr.M.L.Mahendran
Government Advocate
For R2 : Mr.D.R.Sivakumar

ORDER

Heard Mr.T.P.Sekar, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting notice for the 1st respondent and Mr.D.R.Sivakumar, learned counsel accepting notice for the 2nd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks direction upon the 1st respondent to consider his representation dated 30.01.2015 seeking permission to effect repairs in the property said to be in occupation of the petitioner.

3.The petitioner case is that the property belongs to the 2nd respondent temple and her husband was a lessee. After the demise of her husband on 04.08.2010, the petitioner is said to be in occupation and she now wants to effect certain repairs and she has given a representation in this regard.

4.Learned counsel for the respondents brought to the notice of this Court that there is a dispute raised by another 3rd party who is claiming that he is the lawful owner of the property in question and has also obtained a declaration of title and as against which now the dispute is pending before this Court in SA.No.490/2011 at the instance of the petitioner. Therefore, at this juncture no writ of mandamus can be issued to direct the respondents to grant permission to repair the superstructure.

5.Accordingly, the writ petition is dismissed. No costs. However, this will not stand in the way of the petitioner to work out her remedy/rights in the pending SA.No.490/2011.

Sd/-
Deputy Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1.The Commissioner
Hindu Religious & Charitable Endowment
Board, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Executive Officer
Arulmigu Avathutha Chidambara Swamy
Madam and Sundara Vinayagar Devasthanam
No.48, Bullah Sahib Street,
Sowcarpet, Chennai 600 079.

+1 cc to Government Pleader, SR.13419

+1 cc to Mr.T.P.Sekar, Advocate, SR.12990

+1 cc to Mr.S.P.Ramalinga, Advocate, SR.12893.

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krd 18/3

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