



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.3297 of 2015

and

M.P.No.1 of 2015

K.Mahalingam

: Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
The Administration Department, Chennai 34.

2.The Joint Commissioner,
O/o.Joint Commissioner,
Hindu Religious and Charitable Endowment, Madurai.

3.The Fit Person,
Arulmigu Santhakula Sowmiya Narayana Kavaraya Trust,
No.1, Gandhi Road, Palani, Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the second respondent to collect the rent for vacant portion in the upstairs situated above shops in 1/26, 1/27 at Gandhi Road, Palani Town, Dindigul District, within the time frame fixed by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondent Nos.1&2 : Mr.Aaiyram K.Selvakumar
Government Advocate

For Respondent No.3 : Mr.B.Saravanan

O R D E R

The petitioner has come up with the present Writ Petition seeking a Writ of Mandamus directing the second respondent to collect the rent for vacant portion in the upstairs situated above shops in 1/26, 1/27 at Gandhi Road, Palani Town, Dindigul District.

2. According to the petitioner, apart from the property mentioned in the lease deed, the petitioner is also occupying the vacant portion in the upstairs. However, the respondents are not collecting rent for the same, in spite of an order of this Court dated 17.11.2014, made in W.P.[MD]. No.18502 of 2014, directing the respondents therein to receive rent from the petitioner and also receive future rent.



3. The learned counsel appearing for the third respondent brought to the notice of this Court that it is true that in the earlier round of litigation, this Court directed the respondents therein to receive rent from the petitioner only in respect of the property, which is under lease. However, the petitioner is not occupying a vacant portion in the upstairs situated above the shops in 1/26, 1/27 at Gandhi Road, Palani Town, Dindigul District, which has not been leased out to the petitioner. Now, the petitioner, by filing the present Writ Petition, wants to enter upon the property, which is not leased out to her.

4. This Court, taking into consideration of the above and on a careful perusal of the earlier order of this Court and also the lease deed, finds that the petitioner has no *locus standi* to file this Writ Petition in respect of the upstairs portion which is not leased out to him. As rightly pointed out by the learned counsel for the third respondent, the petitioner, by filing the present Writ Petition, wants to enter into the property, which is not leased out to her. Therefore, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
The Administration Department,
Chennai 34.

2.The Joint Commissioner,
O/o.Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

+1cc to M/S.B.SARAVANAN, Advocate in SR.No. 11300

+1cc to Special Government Pleader in SR.No 11814

RG/17.03.2015/2P-5C

ORDER MADE IN
W.P. (MD) No.3297 of 2015

DATED - 10.03.2015