

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10019 of 2016

and W.M.P.No.8976 of 2016

Shammer S.Shah

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Vellore-9.

3.The Executive Officer,
Sri Arulmighu Ekambareswarar Temple,
Kancheepuram-631 502.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus, to call for the records dated 25.2.2016 made in proceedings N.Dis.No. 9323/2016/D2 on the file of the first respondent and quash the same, thereby directing the first respondent to entertain the appeal filed by the petitioner before it, and deal with the same in accordance with law without insisting for pre-deposit of the entire arrears of rent fixed as fair rent by the second respondent herein in respect of premises bearing Old No.37 and New No.68, Taylors Road, Kilpauk, Chennai-10 and receive one month's rent.

For Petitioner : Mr.R.Thiagarajan
For Respondents : Mrs.Rita Chandrasekar,
Spl. Govt. Pleader, (HR & CE),
for R.1 and R.2
Mr.Arul Pazhamnee,
for R.3

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition, challenging the proceedings of the first respondent dated 25.2.2016 made in N.Dis.No.9323/2016/D2 and consequently, to direct the first respondent to entertain the appeal filed by him before it, and deal with the same in accordance with law without insisting for pre-deposit of the entire arrears of rent fixed as fair rent by the second respondent herein in respect of premises bearing Old No.37 and New No.68, Taylors Road, Kilpauk, Chennai-10 and receive one month's rent.

3. Today, when the matter was taken up for consideration, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the writ petition itself is not maintainable and only in order to avoid the pre-deposit of the entire arrears amount, the present writ petition has been filed. Further, she has submitted that since the petitioner has not deposited the said amount, the appeal papers were returned and even if the petitioner deposits 50% of the entire arrears amount, the appeal filed by him would be entertained.

4. Learned counsel appearing for the petitioner accepted the same. However, he has submitted that if eight weeks time is granted, the petitioner would deposit 50% of the entire arrears amount.

5. In view of the said submission made by the learned counsel on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to deposit 50% of the entire arrears amount with the first respondent, within a period of eight weeks from the date of receipt of a copy of this order;

(ii) On such deposit, the first respondent is directed to number the appeal preferred by the

petitioner and dispose of the same on merits and in accordance with law, as early as possible.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Vellore-9.
- 3.The Executive Officer,
Sri Arulmighu Ekambareswarar Temple,
Kancheepuram-631 502.

+1 cc to Government Pleader High Court Madras sr17375
+2 ccs to Mr.R.Thiagarajan Advocate sr.17099

सत्यमेव जयते

W.P.No.10019 of 2016

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