

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11373 of 2016

and W.M.P.No.9821 of 2016

Dr.Raja Saravanan

... Petitioner

vs.

1.The Deputy Commissioner /
Executive Officer,
Arulmigu Parthasarathy Swamy
Thirukkoil,
Triplicane, Chennai-5.

2.The Joint Director,
O/o. Director of Commissioner for
Hindus and religious and Charitable
Endowments,
Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

3.The Commissioner for
Hindus and religious and Charitable
Endowments,
Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider the statutory appeal filed by the petitioner against the order dated 12.3.2015 made in Na.Ka.No.715/2012/A6 on the file of the first respondent forthwith along with the petition to dispense with the production of pre-deposit as demanded in the order appealed.

For Petitioner : Mr.R.Loganathan

For Respondents : Mr.K.V.Dhanapalan,
Addl. Govt. Pleader,
(HR & CE)

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 for a mandamus, directing the third respondent to consider the statutory appeal filed by him as against the order of the first respondent dated 12.3.2015 made in Na.Ka.No.715/2012/A6, forthwith along with the petitions to dispense with the production of original copy of the order and pre-deposit as demanded in the order appealed.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the appeal filed by the petitioner as against the order of the first respondent dated 12.3.2015 made in Na.Ka.No.715/2012/A6, along with an application to dispense with the pre-deposit of the fair rent arrears as demanded in the said order, was not considered. Further, the petitioner has also filed an application to dispense with the production of the original order and the same was also not considered. Hence, the present writ petition.

4. Learned Additional Government Pleader appearing for the respondents submitted that earlier, for the similar relief, the petitioner approached this Court by filing writ petitions in W.P.Nos.40706 and 40707 of 2015 and in the said writ petitions, by an order dated 4.1.2016, this Court has specifically observed that if the petitioner does not comply with the condition of pre-deposit while filing the appeal, it is open to the respondents to proceed further in accordance with law. Therefore, now the petitioner cannot seek for dispensing with the pre-deposit of fair rent. However, learned Additional Government Pleader has submitted that the third respondent is ready to dispense with the production of the original order for numbering the appeal.

5. The said submission made by the learned Additional Government Pleader that the third respondent is ready to dispense with the production of the original order for numbering the appeal is recorded. Further, I find that earlier this Court in W.P.Nos.40706 and 40707 of 2015, has observed that if the petitioner does not comply with the condition of pre-deposit while filing the appeal, it is open to the respondents to proceed further in accordance with law. Therefore, now this Court cannot direct the third respondent to dispense with the pre-deposit of fair rent. However, this Court is inclined to give eight weeks time to the petitioner to enable him to make

the pre-deposit of fair rent arrears, as required under the provisions of the Hindu Religious and Charitable Endowment Act.

6. Accordingly, the petitioner is granted eight weeks time from the date of receipt of a copy of this order, to make the pre-deposit of fair rent arrears. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Commissioner /
Executive Officer,
Arulmigu Parthasarathy Swamy
Thirukkoil,
Triplicane, Chennai-5.
- 2.The Joint Director,
O/o. Director of Commissioner for
Hindus and religious and Charitable
Endowments,
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Nungambakkam, Chennai-34.
- 3.The Commissioner for
Hindus and religious and Charitable
Endowments,
Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

+1cc to Mr.R.Loganathan, Advocate, S.R.No.18968
+1cc to the Government Pleader, S.R.No.19578

W.P.No.11373 of 2016

kgk(CO)
srg(25/04/2016)