

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

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THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.1369 of 2016
and W.M.P.No.1143 of 2016

K.M.V.Manivannan

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Kapaleeswarar Temple,
Mylapore, Chennai - 4.

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned termination of lease notice ref Na.Ka.No.658/2007/A4 dated 16.11.2015 issued by the respondent vide reference for the property bearing No.3, Kabli Ngar, Venkatesa Agraharam Road, Mylapore, Chennai -600 004, quash the same, and consequently forbear the respondent from initiating any proceedings in respect of the above said property to dispossess the petitioner.

For Petitioner : Mr.R.Narendran

For Respondent : Mr.P.Sanjay Gandhi,
Addl.Govt.Pleader

O R D E R

The petitioner was allotted the property bearing No.3, Kabali Nagar, Venkatesa Agraharam Road, Mylapore, Chennai - 600 004 belonging to the respondent on lease in and by the proceedings of the respondent dated 6.3.2009 based upon his employment as the Joint Director/Special Officer of Tamil Nadu Industrial Development Corporation. The petitioner was transferred thereafter to Nilgiris District from Chennai. Despite the same, he was continuing to hold the allotted tenement contrary to condition No.7 of the allotment. Therefore, after notice, the order impugned was passed. Challenging the same, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner submitted that the petitioner's representations dated 7.12.2015 and 28.12.2015 may be directed to be considered by the respondent. He also submitted that there is a threat of dispossession. A

further submission has been made that the petitioner may be granted time till July 2016 to vacate the above said premises.

3. This Court is inclined to consider the said submission of the learned counsel for the petitioner as extension of time is sought for to handing over the vacant possession and it avoids unnecessary proceedings under Section 78(2) of the H.R. & C.E.Act. It would also put an end to the entire dispute.

4. Accordingly, the respondent is directed to permit the petitioner to be in occupation of the above said property till 31.7.2016 subject to the payment of the admitted rent by the petitioner. Insofar as the arrears of rent, if any concerned, the respondent shall intimate the same within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is given a further period of four weeks to pay the same.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Kapaleeswarar Temple,
Mylapore, Chennai - 4.

+1cc to M/s. R. Narendran, Advocate, S.R.No.6013

+1cc to the Government Pleader, S.R.No.6770

AK(CO)
EU(09/02/2016)

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