

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.3186 of 2014

and

M.P.No.1 of 2014

R.Selva Kumar .. Petitioner

-vs-

1.The Commissioner,
HR & CE Department,
Nungambakkam High Road,
Chennai-34.

2.The Joint Commissioner,
O/o. The Joint Commissioner of HR & CE,
Vellore.

3.The Executive Officer,
Arulmigu Thirukatchi Nambigal and
Vartharaja Perumal Thiru Koil,
Poonamallee-56.

Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to dispose of the representation dated 24.12.2013 given by the petitioner.

For Petitioner	:	Mr.Arockiadoss for M/s.Dass Law Associates
For Respondents	:	Mr.M.Maharajan Spl. G.P. (HR&CE) for R1 & R2 Mr.A.S.Balaji for M/s.A.S.Kailasam & Associates to R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner being a tenant under respondent No.3 in pursuance to the public auction lease held on 12.05.1999 for a period of three years, refused to surrender the possession, resulting in the proceedings initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. This proceedings culminated only on 12.07.2011 for eviction, against which the revision petition preferred under Section 21 of the said Act before the first respondent was dismissed on 10.04.2012. W.P.Nos.29970 to 29979 of 2012 were dismissed on 06.11.2012 and S.L.P.(Civil) No.3670 of 2014 was withdrawn on 25.04.2016 making it clear that the impugned order has now been implemented. It is stated that thereafter, Review Application being Review Application No. SR65668 of 2016 in W.P.No.29976 of 2012 was filed and dismissed on 18.08.2016. The possession has been taken on 22.07.2016.

2. The prayer in the present writ petition is for consideration of the representation dated 24.12.2013 seeking fresh tenancy in favour of the petitioner.

3. It may be noticed that while the proceedings are pending for his removal, the present writ petition was filed. The petitioner refused to abide by the terms of the agreement for lease for a period of three years, which expired in 2002 - a prolonged battle of 14 years occurred before the petitioner was evicted, and now wants the landlord to accept such a tenant again! No prudent man can do so.

4. The writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

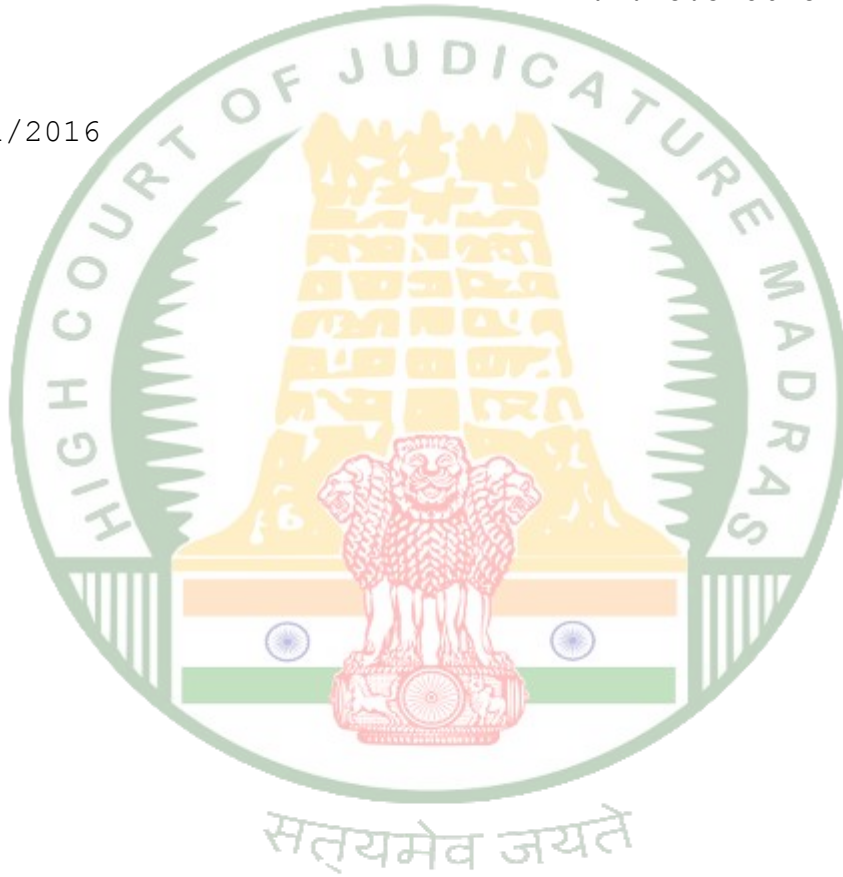
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To

- 1.The Commissioner,
HR & CE Department, Nungambakkam High Road, Chennai-34.
 - 2.The Joint Commissioner,
O/o. The Joint Commissioner of HR & CE, Vellore.
- +1 CC to Mr. A.S. Balaji, Advocate Sr.No.59223

W.P.No.3186 of 2014

PPA (CO)
MD : 01/11/2016



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