

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.12.2016
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. Nos.4054 to 4057 of 2013

N.A. Naganathan	..	Petitioner in W.P 4054/2013
C.R. Srinivasa Bharadwaj	..	Petitioner in W.P 4055/2013
R. Balachandran	..	Petitioner in W.P 4056/2013
Kaveri Subramanian	..	Petitioner in W.P 4057/2013

Vs.

1. State of Tamil Nadu
rep. By its Secretary
H.R. & C.E. Department
Fort St.George
Chennai - 600 005.
2. The Commissioner
HR & CE Department
Nungambakkam
Chennai -600 034.
3. The Managing Trustee
Sri Vedantha Desikar Devasthanam
4/11, K.P. Koil Street
Mylapore, Chennai-4. .. Respondents in all WPs

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to reply the queries raised by the petitioners in their letter dated 02.11.2012, 18.06.2012, 09.05.2012 and 09.05.2012 respectively under the Right to Information Act and pass further order.

For Petitioner : Mr. Guru Thananjay
in all WPs for Mr. K. Bhawatharini

For Respondents : Mr. Maharaja, Spl.G.P for
HR & CE
in all WPs for R1 & R2

Mr. Ragul Balaji for R3

O R D E R

These writ petitions have been filed by the petitioners to direct the 3rd respondent to reply the queries raised by them in their letter dated 02.11.2012, 18.06.2012, 09.05.2012 and 09.05.2012, respectively, under the Rights to Information Act.

2. Learned counsel for the petitioners submitted that the petitioners are residing in the premises belonging to the third respondent, on lease agreement. In the year 1982, the 3rd respondent offered the land for out right sale of Rs.75,000/- per ground. The petitioners, being the lessees sought to sell the land to them for Rs.8000/- per ground or to renew the lease agreement. Since the same was not agreeable by the 3rd respondent, the petitioners went on appeal to the Government. In the meanwhile, the second respondent, Commissioner HR & CE department, by his letter dated 20.06.1991 directed the temple to consider and sell the land at the rate of Rs.1,25,000/- along with interest. However, the same was not considered by the 3rd respondent, except for a few.

3. Learned counsel for the petitioners further submitted that series of petitions were filed before the 2nd and 3rd respondents, with a request to extend the lease or to execute the sale deed. It is further stated that the original rent being paid by the petitioners, was accepted by the 3rd respondent till June 2006. Whiles, the 3rd respondent sent a communication dated 20.12.2006 and 05.01.2007, demanding exorbitant arrears of rent from the year 2001. Subsequently, on 10.09.2010, the 3rd respondent returned the annual rent amount sent by the petitioners, stating the petitioners are liable to pay a revised rent. Therefore, the petitioners sent letters dated 02.11.2012, 18.06.2012, 09.05.2012 and 09.05.2012, respectively, seeking answer to their queries under the Rights to Information Act, pertaining to the lease and the sale of the land belonging to the 3rd respondent, to third parties. Since, there was no reply from the 3rd respondent, the petitioners are before this Court.

4. The third respondent have filed a counter stating that the Right to Information Act would not apply to them and that the writ petitions have been filed with a sole intention to protract the litigations. Learned counsel representing the third respondent also relied on the judgements of the Hon'ble Supreme Court, in support of his contention.

5. Today, when the writ petitions were taken up for hearing, learned counsel for the third respondent would submit that as per Act, without prejudice to their right, reply to the aforesaid letters would be given, within a period of two weeks.

6. Recording the above submission, the third respondent is directed to reply to the letters of the petitioners dated 02.11.2012, 18.06.2012, 09.05.2012 and 09.05.2012, respectively, within a period of two weeks from the date of receipt of a copy of this order.

7. All the Writ Petitions are disposed of, on the above terms. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

avr

To

1. Secretary to Government
H.R. & C.E. Department
Fort St.George
Chennai - 600 005.

2. The Commissioner
HR & CE Department
Nungambakkam
Chennai -600 034.

+1 cc to Mrs.K.Bhawatharini Advocate sr71875

+1 cc to M/s.Sathish Parasaran Advocate sr 16963

W.P. Nos.4054 to
4057 of 2013

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