

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.17868 of 2016

AND

SUO MOTU CONTEMPT PETITION NO.1499/2016

W.P.No.17868 of 2016
K.Velu

.. Petitioner

-Versus-

- 1.The Commissioner
Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600034.
- 3.The Executive Officer,
Arulmighu Thiruvalléeswarar Temple,
Padi, Chennai 600 050.

4.Pandian

.. Respondents

SUO MOTU CONTEMPT PETITION:-

Pandian

..Contemnor

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made in S.No.303/4, D.No.70, Thiruvalluvar Street, Jeganthambigai Nagar, Padi, Chennai 600 050 and restore the same to Arulmighu Thiruvalléeswarar Temple by considering petitioner's representation dated 22.03.2016.

Suo Motu Contempt Proceedings initiated against the contemnor as per the Order of this Court Dated 12.05.16 and made in W.P.No.17868 of 2016.

For Petitioner ::: Mr.N.G.R.Prasad

for Mr.R.Jayaprakash

For Respondents::: Ms.Rita Chandrasekaran

for R.1 to R.3

Mr.R.Srinivas for R.4 in WP. and
contemnor in Sua Motu Contempt Petition.

O R D E R

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

The controversy arises from occupation of a shop as a tenant by the 4th respondent, by a lease entered in his favour. That lease however stands expired in April, 2015 and proceedings under Section 78 of HR & CE Act already stands instituted.

2. It appears that the 4th respondent sought permission to carry out renovation on 23.04.2014, which application remained unattended. Some repairs are stated to have been already carried out.

3. We put to learned counsel for the 4th respondent that since the rights in favour of the lessee stand expired and proceedings have already been initiated against him, there can be no question of even laying a brick in the shop apart from the factum of civil proceedings having been initiated and orders having been granted. Learned counsel does not dispute the position and undertakes on behalf of the 4th respondent, who is present in court, that nothing will be done qua the premises, in so far as any construction or repair activity is concerned. He however submits that the 4th respondent would apply to the HR & CE department for extension of the lease.

4. We are not required to comment on the latter aspect, because that is between the 4th respondent and HR & CE department.

5. We thus close the proceedings in both the writ petition and the contempt petition, accepting the aforesaid undertaking

given by the 4th respondent, leaving the parties to bear their own costs.
ksr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner, Hindu Religious and Charitable Endowment Department, No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai 600034.
 - 2.The Joint Commissioner, Hindu Religious and Charitable Endowment Department, No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai 600034.
 - 3.The Executive Officer, Arulmighu Thiruvalléeswarar Temple, Padi, Chennai 600 050.
- + 1 cc to Mr.R.Srinivas, Advocate Sr 34922
+ 1 cc to Mr.R.Jayaprakash, Advocate Sr 35472
+ 1 cc to The Spl.Govt.Pleader, (HR & CE) Sr 35149

KR/5/7/16

सत्यमेव जयते

W.P.No.17868 of 2016
AND

SUO MOTU CONTEMPT PETITION NO.1499/2016

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