

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

Writ Petition No.5475 of 2013
and MP. No.1 of 2013

S.Sundar

.. Petitioner

Vs

1.A/M.Shivasubramaniya Temple,
Rep. by its Executive Officer,
Alandur,
Chennai - 600 016.

2. The Assistant Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Kancheepuram,
Kanchipuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent, unilaterally terminating the lease, being communicated through their Advocate notice dated 06.02.2013, quash the same and further direct the 1st respondent to issue the order of fixation of fair rent by the fair rent committee.

For Petitioner : Mrs.V.S.Usha Rani

For Respondents : Mr.R.Mahalingam for R1

Mr.R.P.Prathapsingh,

Govt. Advocate (HR & CE) for R2.

O R D E R

Admittedly, the lease period for the subject land in the Writ petition has expired on 22.03.2013. The impugned order dated 06.02.2013 is a notice calling upon the petitioner to deliver the vacant possession with effect from 01.04.2013.

2. Since, pending the Writ Petition, the lease expired and as per Section 78 of The Hindu Religious and Charitable Endowment Act, the petitioner is deemed to be an encroacher, the prayer sought for in the Writ Petition cannot be granted at this stage.

3. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed with liberty to the petitioner to file a Review petition before the appropriate authority under the Hindu Religious & Charitable Endowment Act.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Executive Officer,
A/M.Shivasubramaniya Temple,
Alandur,
Chennai - 600 016.

2. The Assistant Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Kancheepuram,
Kanchipuram District.

+1 cc to Ms.V.S.Usharani,advocate,sr.66405

+1 cc to Mr.R.maharajan,advocate,sr.66413

+1 cc to Govt.Pleader,sr.66636.

gj(co)
krd 7/12

W.P. No.5475 of 2013

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