

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20648 of 2016

Rameshkumar Jaiswal

... Petitioner

Versus

1. The Commissioner
Hindu Religious & Charitable Endowment
Department, 119, Uthamar Gandhi
Salai, Nungambakkam, Chennai 600034.
2. The Joint Commissioner
Hindu Religious & Charitable Endowment
Department, Commercial Tax
Building, Ground Floor,
Dr.Balasundaram Road,
Coimbatore 641018.
3. The Executive Officer
Arulmigu Patteswaraswamy Thirukovil
Perur, Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st and 2nd respondent to grant lease to the petitioner with respect to the premises bearing Old Door No.805, New Door No.1127, Avinashi Road, Coimbatore-18 by considering the representation of the petitioner dated 14.10.2015 in accordance with law.

For Petitioner : Mr.P.Saravanasowmiyan

For RR 1 to 3 : Mr.K.V.Dhanapalan,
Additional Government Pleader[HR&CE]

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the lawful tenant in respect of the property bearing old Door No.805, New Door No.1127, Avinashi Road, Coimbatore, belonging to the 3rd

respondent temple and he has constructed a shop in the said place about 20 years back, admeasuring to an extent of 8x20 sq.ft. and the lease was granted in his favour as early as on 01.11.1993 and in periodical intervals, the rent has been increased and at present, the petitioner is paying a sum of Rs.2,453/- as rent per month without any default till date. The petitioner would further state that right from the year 1997, he is requesting the respondents to renew lease, but it has not been favourably considered and instead, action u/s.78 of the Hindu Religious and Charitable Endowment Act, 1959, has been initiated, for which, the petitioner submitted his response and the said proceedings are still pending. The petitioner has also approached the 1st respondent in the form of representation dated 14.10.2015, praying for renewal of lease for the reason that he is eking out his livelihood solely out of the income generated from the said business and it has also been forwarded to the 2nd respondent for consideration and therefore, prays for appropriate orders.

3. Per contra, Mr.K.V.Dhanapalan, learned Additional Government Pleader [HR&CE] who accepts notice on behalf of the respondents, would submit that the lease granted in favour of the petitioner expired long back and despite that, he did not vacate the premises and therefore, action u/s.78[2] of the Act has been taken and orders are likely to be passed soon.

4. This Court considered the rival submissions and also perused the materials placed before it.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 14.10.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

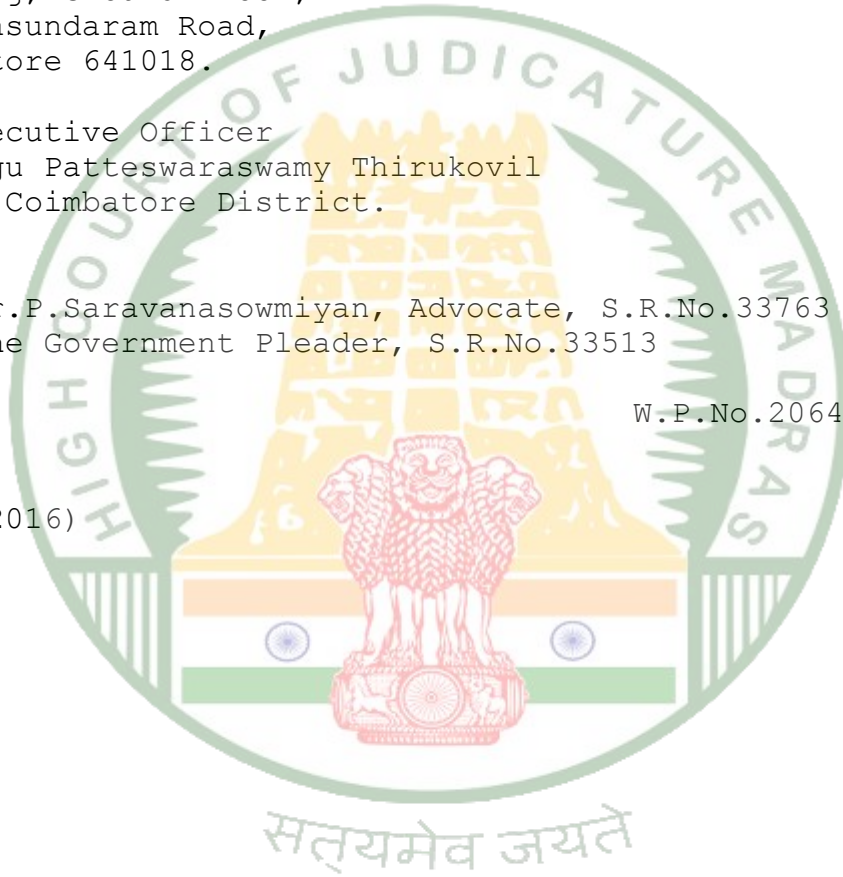
To

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+1cc to Mr.P.Saravanasowmiyan, Advocate, S.R.No.33763
+1cc to the Government Pleader, S.R.No.33513

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PA(CO)
CA(01/07/2016)



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