

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24622 of 2016

And

W.M.P.No.21028 of 2016

S.K.Darbar

... Petitioner

Vs.

1 The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department,
Kancheepuram,
Kancheepuram District.

2 The Executive Officer
Arulmighu Sri Vaikundaperumal,
Thirukoil,
Kancheepuram,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to furnish the petitioner the rental receipts for the rents paid by the petitioner and statement of account for the claim amount of Rs.1,66,295/- (Rupees One Lakh Sixty Six Thousand Two Hundred and Ninety Five Only) as mentioned in the 2nd respondent's notice dated 20.06.2016 before proceeding further under section 78(1) of the HR & CE Act.

For Petitioner : Mr.N.Velmurugan

For Respondents : Mrs.Rita Chandrasekar

Special Government Pleader (HR & CE)

O R D E R

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

2.The petitioner claims to be a tenant under the second respondent Temple through a rental agreement dated 11.11.1981 and initially, rent was fixed at Rs.500/- per month and the petitioner claims to be in possession of total extent of 1960

sq.ft. The petitioner would further contend that the building was in a dilapidated condition and initially, approached the concerned authority for purchase of the building and since it was refused, he has demolished the superstructure and constructed a new building in the year 1998 and also executed a gift deed in favour of the second respondent and registered the same, vide document no.122 of 1998 dated 04.02.1998 on the file of the Sub-Registrar, Sowcarpet, Chennai.

3.The petitioner claims to have paid rent without any default through demand draft and all of a sudden to his shock and surprise, he was called upon to pay a sum of Rs.1,66,295/- towards rental arrears upto June, 2016 vide communication, dated 20.06.2016. The petitioner in this regard, has also submitted a representation dated 25.06.2016, to the second respondent stating that he is regularly paying the rent and also requested them to furnish the statement of the same and if the petitioner is in arrears, he is also prepared to pay the same and since no response is forthcoming, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner apprehending eviction under Section 78 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, he requested the second respondent to furnish the details of the arrears and also payment of rent made by him and he is yet to receive any communication and prayed for appropriate orders.

5.Per contra, Mrs.Rita Chandrasekar, learned Special Government Pleader (HR & CE) who accepts notice on behalf of the respondents would submit that if the petitioner claims that he is not in arrears of rent and paid the same through demand draft, it is always open to him to produce the relevant records for scrutiny to the second respondent and would further contend that this writ petition is highly mis-conceived and prayed for the dismissal of the same.

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

7.The petitioner was issued with communication dated 20.06.2016, calling upon him to pay a sum of Rs.1,66,295/- being arrears of rent upto June, 2016 and it is the stand of the petitioner that he is regularly paying the rent and he has paid it through demand draft and also requested the second respondent to furnish the statement of the rent being paid by him.

8.In the light of the limited prayer sought for by the petitioner, the second respondent is directed to furnish the details of the rental amount paid by the petitioner, in response to his representation dated 25.06.2016, within a period of two

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department,
Kancheepuram,
Kancheepuram District.
- 2 The Executive Officer
Arulmighu Sri Vaikundaperumal,
Thirukoil,
Kancheepuram,
Kancheepuram District

+1cc to Mr.N. Velumurugam, Advocate, S.R.No.40223
+1cc to the Government Pleader, S.R.No.40106

NRKJ(CO)
EU(01/08/2016)

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