

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3547 of 2016

R.Sankar

... Petitioner

vs

1. The Commissioner
Hindu Religious and Charitable
Endowments
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowments
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai 600 034.

3. The Executive Officer
Arulmigu Ellaiamman and
Peyandiamman Thirukoil
Nochikuppam, Mylapore
Chennai 600 004.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to consider the petitioner's representation dated 09.01.2016 and survey the property at Door No.6A, Ellaiamman Koil Street, Nochikuppam, Mylapore, Chennai 600 004 and direct them to intimate the same within a stipulated period before this Court.

For Petitioner	:	Mr.M.K.Bhoopathy Rajan
For Respondents	:	Mr.P.Sanjay Gandhi Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner's

representation dated 09.01.2016 and survey the property at Door No.6A, Ellaiamman Koil Street, Nochikuppam, Mylapore, Chennai 600 004 and to direct them to intimate the same before this Court.

2. The case of the petitioner is that the property situated at Door No.6A, Ellaiamman Koil Street, Nochikuppam, Mylapore, Chennai 600 004 measuring an extent of 900 sq.ft. is owned by the respondents and he was allotted the same in the year 1980 in the capacity of a "Tenant". According to the petitioner, he is in possession and enjoyment of the same for the past 30 years and he is regularly paying the rent to the respondents and the electricity charges to the above property. It is his further contention that since the property was not divided by metes and bounds some of his neighbours are attempting to encroach the same and are also trying to block the passage. Hence, he has submitted a representation dated 09.01.2016 to the first respondent, by marking a copy to the second and third respondent herein for surveying the property and to measure the land with the Field Measurement Map in the area. Since the same has not been considered till date, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case, the third respondent is directed to consider the representation dated 09.01.2016 submitted by the petitioner for surveying the property in his possession and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the matter.

5. With the above direction, this writ petition is disposed of. No costs.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

vj2

To

1. The Commissioner
Hindu Religious and Charitable
Endowments
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Nochikuppam, Mylapore
Chennai 600 004.

+1 CC to MR.M.K.Bhoopathy Rajan Advocate. SR.NO.6034

+1 CC to Govt.Pleader. SR.NO. 6438

W.P.No.3547 of 2016

CO-VGI
JD 12/02/2016

सत्यमेव जयते
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