

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.40233 of 2016
and
W.M.P.No.34257 of 2016

1.B.Arivazhagan
2.B.Poongothai
3.B.Selvi
4.B.Manoharan ... Petitioners

-vs-

1.The Commissioner of
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai-600 034.
2.Arulmigu Karaneeswarar Devasthanam,
rep.by its Executive Officer,
Saidapet, Chennai-600 015. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the representations dated 10.05.2016 by inducting the petitioners as tenants of the land in Door No.24/25, Karani Garden Main Street, Saidapet, Chennai-600 015.

For Petitioners :: Mr.M.Sriram

For Respondents :: Mr.M.Maharaja,
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to consider the representation dated 10.05.2016 made by the petitioners, by inducting the petitioners as tenants of the land in Door No.24/25, Karani Garden Main Street, Saidapet, Chennai-600 015.

2.According to the petitioners, their father Boopathy was a tenant in the subject land; the land in question belongs to the second respondent temple, but the superstructure in the land has been put up by their father, which was also accepted by the second respondent temple. The second respondent filed an Ejectment Suit in E.S.No.10 of 1990 and the same was decreed

against which a Civil Revision Petition has been preferred by the petitioners' father. Now the petitioners state that their father died on 01.06.2009 and their mother also died on 21.11.2011. It is further stated that the decree is not with reference to the land alone, but it also includes recovery of possession of both land and building, which is permissible under law. Stating so, the petitioners have come up with this writ petition with the prayer already stated supra.

3.The learned counsel for the petitioners submitted that the petitioners are prepared to pay the entire arrears, and in fact, they had already paid a major portion of it. The learned counsel further submitted that the petitioners would be satisfied if a direction is issued to the respondents to consider their representation, after taking into account their payment, and to permit them to be continuous tenants.

4.Mr.M.Maharaja, Special Government Pleader, took notice for the respondents and would only contend that already E.P.has been ordered. Therefore, he submits that the request of the petitioners will be considered in accordance with law.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, it is suffice that the representation made by the petitioners shall be considered by the first respondent in accordance with law. Accordingly, the writ petition is disposed of directing the first respondent to consider the representation of the petitioners dated 10.05.2016, if it is in accordance with law, and pass appropriate orders after issuing notice to the petitioners, within a period of one month from the date of receipt of a copy of this order. Till then, the petitioners shall not be dispossessed. No costs. Consequently, the connected miscellaneous petition is closed.

sd/

Assistant Registrar (CO)

/true copy/

Sub Assistant Registrar

KM

To

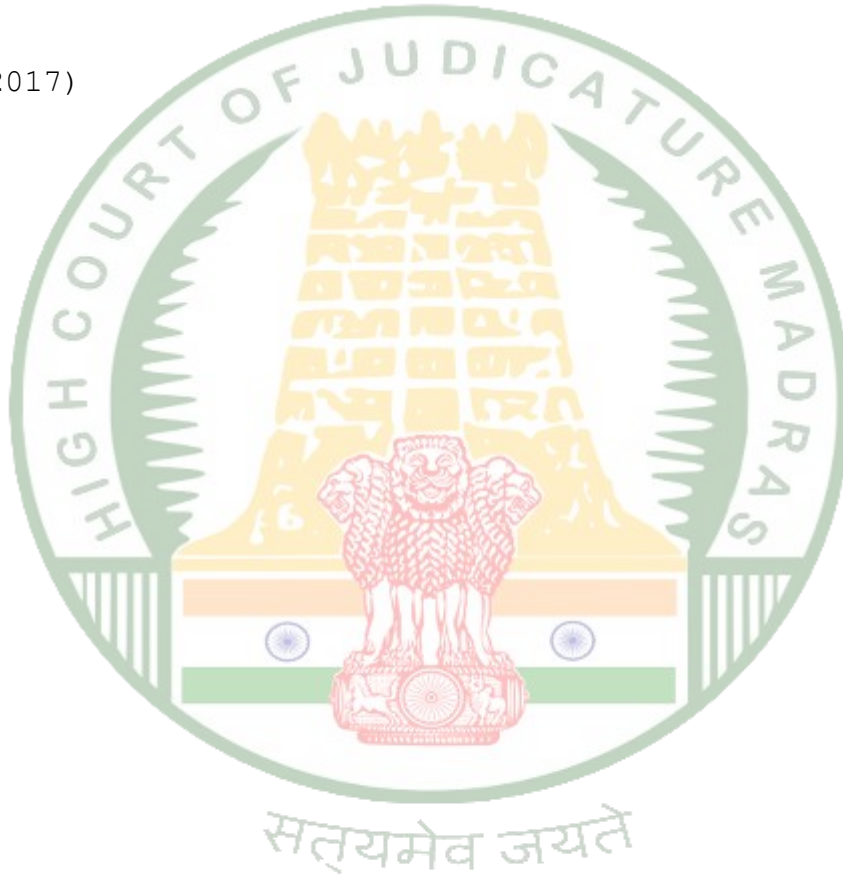
1.The Commissioner of
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai-600 034.

2.The Executive Officer,
Arulmigu Karaneeswarar Devasthanam,
Saidapet, Chennai-600 015.

+1cc to Mr.M.Sriram Advocate SR.No.66638
+1cc to the Government Pleader SR.No.66495

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and
W.M.P.No.34257 of 2016

VSN(CO)
GN(06/02/2017)



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