

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 44090 of 2016

Kaliya Perumal

.. Petitioner

Vs.

The Executive Officer-cum-Fit Person
Arulmigu Mangalambikai Samedar Arulmigu
Kirubapureswar Thirukovil,
Thiruvennainallur 607 203
Thirukovilur, Villupuram District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent to consider the representation dated 05.12.2016 within a time frame as this Hon'ble Court.

For Petitioner : Mr.J.Rishikesh

For Respondent : Mr. M.Maharaja (HR & CE)
Special Govt. Pleader

O R D E R

Heard Mr.J.Rishikesh, learned counsel appearing for the petitioner and Mr.M.Maharaja, learned Special Government Pleader (HR & CE) appearing on behalf of the respondent.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The petitioner has come up with the present writ petition praying to direct the respondent to consider the representation of the petitioner dated 05.12.2016.

4. Learned counsel for the petitioner submitted that the order of eviction has passed by the Joint Commissioner on 07.09.2010 directing the petitioner's father to vacate the aforementioned property within a period of third days. However, neither the petitioner received any notice about the proceedings nor any opportunity was given to the petitioner's father before

the order of eviction came to be passed. The petitioner working as a Coolie and struggling to make ends meet. Despite, the petitioner paying the rent to the Respondent since the said property belongs to the Arulmigu Mangalambikai Samedar Arulmigu Kirubapureswar Thirukovil and no arrears of rent. The said property was occupied by the petitioner's father much prior to 1990 and rental receipts have been issued. After demise of the petitioner's father, the petitioner continuing to pay the monthly rent. The petitioner was surprised that the respondent came to the petitioner property on 25.11.2016 and asked to vacate the place immediately and handover possession. Hence, the petitioner has come up with this writ petition.

5. Learned Special Government Pleader submitted that if the said representation dated 05.12.2016 made by the petitioner is in order, the same would be considered by the respondents, in accordance with law.

6. Considering the facts and circumstances of the case, without expressing any opinion on merits, the second respondent is directed to consider the representation of the petitioner dated 05.12.2016, if it is otherwise in order, in accordance with law, by giving a reasonable opportunity to the parties concerned and pass appropriate orders as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

jv

To
The Executive Officer-cum-Fit Person
Arulmigu Mangalambikai Samedar Arulmigu
Kirubapureswar Thirukovil,
Thiruvennainallur 607 203
Thirukovilur, Villupuram District.

+1cc to Mr.J.Rishikesh, Advocate, Sr. No.17633.

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SS(CO)
GN(19/01/2017)