

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.5650 of 2017
and W.M.P. No.6033 of 2017

J.Raja Nadar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam, Chennai-34.

2.Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam, Chennai-34.

3.The Executive Officer,
A/M.Srinvasa Perumal Thirukoil,
Choolai, Chennai-112.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to consider the representation of the petitioner dated 05.06.2015 and 1st respondent letter Ref.No.Na.Ka.26429/2015 R-2 dated 18.06.2015.

For petitioner : Mr.K.V.G.Sampath

For respondents : Mr.M.Maharaja,
Special Government Pleader (HR&CE)

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 05.06.2015 and 1st respondent letter Ref.No.Na.Ka.26429/2015 R-2 dated

18.06.2015.

2.The case of the petitioner is that he is a tenant of the temple property bearing shop No.28, Vadhiar Kandha Pillai Street, Choolai, Chennai-112 under the third respondent from the year 1987 onwards. During the year 2000, due to unforeseen family circumstances, he could not pay the rent regularly to the third respondent. Subsequently, the third respondent has filed an Ejectment Suit No.2 of 2001 before the II Judge, Small Causes Court, Chennai for eviction. In the meanwhile, the petitioner preferred a petition before the Execution Court to refer the matter to Lok Adalat and the same was dismissed by the said Execution Court. While so, the third respondent got an eviction order from the Execution Court to evict the petitioner from the premises. Thereafter, the petitioner preferred petitions before the first respondent on 01.09.2014 and 05.06.2015 and the first respondent sent a letter to the second respondent to enquire and call for the report on the petition for compromise. But the second respondent has not taken any action in spite of representation made by the petitioner. Hence, the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate order is passed.

4. Learned Special Government Pleader appearing for the respondents has got no serious objection for directing the respondents to consider the

representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to consider the representation of the petitioner, dated 05.06.2015 and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes/No

07.03.2017

To

1.The Commissioner,
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Nungambakkam, Chennai-34.

2.Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam, Chennai-34.

3.The Executive Officer,
A/M.Srinvasa Perumal Thirukoil,
Choolai, Chennai-112.

B.RAJENDRAN,J.

vga

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