

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.9688 of 2017

1 K.Sekar [Petitioners]
2 M.Geetha

Vs

1 The Commissioner
Hindu Religious and Charitable Endowments
Department, Chennai-34.
2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department, Chennai-34.
3 The Assistant Commissioner/
Executive Officer
Arulmigu Thiyagarajaswamy
Thirukoil, Thiruvottriyur, Chennai-19.
[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider our representation dated 07.01.2017 and declare them as land rent lessee in respect of premises measuring 1180sq.ft stands on Door No.43 West Mada Street comprised in S.Nos.269/B1 269/B2 and 270 in Tiruvottriyur Village and to that effect necessary changes be made in the records of respondents and also issue receipt in the name of petitioners for the land rent received so far and for future land rent.

For Petitioners : Mr.S.Pushpakaran

For Respondents : Mr.Maharaja, SGP

ORDER

Mr.Maharaja, learned Special Government Pleader, takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioners have filed the above writ petition to issue a writ of mandamus directing the respondents to consider their representation dated 07.01.2017 and to declare them as land rent lessees in respect of the premises measuring 1180sq.ft in Door No.43, West Mada Street, comprised in S.Nos.269/B1, 269/B2 and 270 in Tiruvottriyur Village and also to issue receipt in their name for the land rent received so far and for future land rent.

4. The learned counsel appearing for the petitioners submitted that inspite of the petitioners' representation dated 07.01.2017, the respondents have not passed any order so far.

5. Mr.Maharaja, learned Special Government Pleader, appearing for the respondents submitted that by order dated 04.03.2016 passed by the 2nd respondent, the petitioners were declared as encroachers. However, the petitioners have not challenged that order by way of an appeal. In these circumstances, the learned Special Government Pleader submitted that the petitioners cannot be declared as lessees in respect of the premises. However, he submitted that the 3rd respondent may be directed to consider the petitioners' representation and pass orders in accordance with law.

6. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioners in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the 3rd respondent to consider the petitioners' representation dated 07.01.2017 by taking into consideration the submissions made by the learned Special Government Pleader and pass 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.;

With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rg

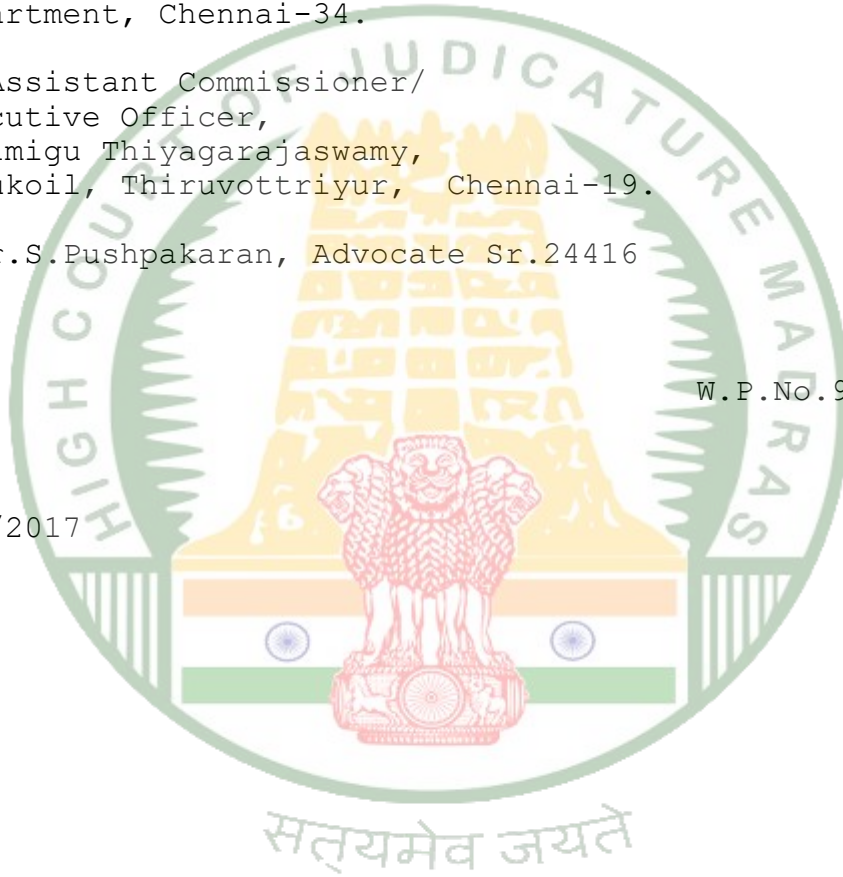
To

- 1 The Commissioner,
Hindu Religious and Charitable Endowments,
Department, Chennai-34.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Department, Chennai-34.
- 3 The Assistant Commissioner/
Executive Officer,
Arulmigu Thiyagarajaswamy,
Thirukoil, Thiruvottriyur, Chennai-19.

+1cc to Mr.S.Pushpakaran, Advocate Sr.24416

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skv[co]
srg 26/04/2017



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