

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31960 of 2017
and
WMP No.35109 of 2017

1.R.Balasundaram

[PETITIONER]

Vs

1. The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
HR & CE Department,
Dr.Balasundaram Road,
Coimbatore.
3. The Executive Officer,
Arulmighu Lakshmi Narayana
Venugopalasamy Temple,
Coimbatore.

[RESPONDENTS]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to impugned letter of rejection dated 24.10.2017 vide ref No.Na.Ka.11055/2017 passed by the second respondent and quash the same.

For Petitioner : M/s.B.Sumithra

For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents and by consent, the main writ petition itself is taken up for final disposal.

2.This writ petition is filed challenging the order passed by the second respondent dated 24.10.2017, rejecting the petitioner's request to treat him as tenant under the third respondent temple in respect of the subject matter property.

3.It is seen that between the petitioner and third respondent temple, a suit filed in O.S.No.793 of 1992 on the file of the District Munsif Court, Coimbatore, ended in favour of the temple and confirmed in A.S.No.265 of 1999 on the file of the District Court, Coimbatore. Consequently, E.P.No.94 of 2002 filed against the petitioner for evicting him from the subject matter premises is pending. It is also seen that the petitioner has made further attempt to treat him as tenant by making a representation and even such request was subsequently rejected by the Authorities concerned. It is further seen that the petitioner is dragging on the proceedings from the year 1992 onwards successfully thereby, retaining the possession of the subject matter premises all along. Therefore, the temple has rejected the request of the petitioner by passing the impugned order.

4.M/s.B.Sumithra, learned counsel for the petitioner vehemently contended that the order passed by the second respondent is not in consonance with G.O.MS.No.340 dated 06.08.2007, which deals with the persons, who are in possession and enjoyment of the temple properties for long number of years. Therefore, she contended that the second respondent should have treated the petitioner as tenant and permitted him to continue in occupation. I do not think that such contention of the learned counsel for the petitioner can be accepted, more particularly, when he lost before the Civil Court in the suit filed against him by the temple for eviction. Therefore, now the petitioner cannot seek by relying upon the said G.O., which is, at the best, can be considered only in respect of the persons in occupation with bonafide. Therefore, I find no ground to interfere with the order impugned in this writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
HR & CE Department,
Dr.Balasundaram Road,
Coimbatore.
3. The Executive Officer,
Arulmighu Lakshmi Narayana
Venugopalasamy Temple,
Coimbatore.

+lcc to the Government Pleader, S.R.No.90911

W.P.No.31960 of 2017

SJ(CO)
CS/05/01/18



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