

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33861 of 2017

Dr.Mohammed Junaid Ghatala

[PETITIONER]

Vs

1.The Commissioner,
Hindu Religious Charitable
Endowment Department,
Nungambakkam High Road,
(Now Mahatma Gandhi Road),
Nungambakkam, Chennai 600 034.

2.The Fit Person,
Arulmighu Paaleeswarar Thirukoil,
Parivakkam,
Thiruvallur District.

[RESPONDENTS]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondents to lease or transfer the land measuring 11,500 sq.ft. belonging to the second respondent in S.No.140/1A1 situated at No.2, Parivakkam Village, Poonamallee Taluk, Tiruvallur District in pursuance to the petitioner's representation dated 07.09.2017.

For Petitioner: Mr.S.P.Sudalaiyandi

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. By consent, the main writ petition itself is taken up for final disposal.

2.The petitioner seeks for a mandamus directing the respondents to lease or transfer the land measuring 11,500 sq.ft. belonging to the second respondent based on his representation dated 07.09.2017.

3.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4.It is not in dispute that the land which is sought to be leased or transferred in favour of the petitioner, belongs to the second respondent temple, as its absolute property. The petitioner made a request for leasing the said property or transfer it in favour of the petitioner so as to utilise the said land also along with his land situated adjacent to the same. When such request is not considered, the petitioner approached this court and filed the present writ petition before this court. I failed to understand as to how the present writ petition is maintainable and how the petitioner can seek for such a positive direction to the respondents in respect of the property owned by the second respondent temple. This Court cannot compel the second respondent either to enter into a lease or transfer the land in favour of the petitioner, when admittedly the second respondent is the owner of the same and there is no privity of contract in between the petitioner and the second respondent in any manner, that too, in a writ jurisdiction. Therefore, it is seen that the present writ petition is totally misconceived. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam High Road,
(Now Mahatma Gandhi Road),
Nungambakkam, Chennai 600 034.
- 2.The Fit Person,
Arulmighu Paaleeswarar Thirukoil,
Parivakkam,
Thiruvallur District.

+ 1 cc to MR. Government Pleader Sr.92571

W.P.No.33861 of 2017

(CS-IV)
EU(17/01/2018)