

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.16936 of 2017

K.V.Rajan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
2. The Joint Commissioner of HR&CE,
O/o.Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Salem.
3. Fir Person/Asst.Commissioner of HR&CE,
Arulmighu Prasanna Venkatajalapathy
Mariamman Temple,
Shevapet, Salem-636 002.
4. The Executive Officer,
Arulmighu Prasanna Venkatajalapathy
Mariamman and Throwpathy Amman Temples,
Shevapet, Salem-636 002.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 3 and 4 to unlock the leased compounded premises comprised in Survey Nos.210, 212 and 214 in Muniappan Koil Street in Salem Town and to hand over the possession back to the petitioner forthwith enabling him to continue to run his business of vehicle parking in the said property, without any further interruption or interference whatsoever in the petitioner's possession and enjoyment and without auctioning the said property, by considering the petitioner's representation dated 29.05.2017.

For Petitioner : Mr.K.Ramesh
For Respondents : Mr.M.Maharaja,
Special Government Pleader (HR & CE)

O R D E R

Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice for the respondents. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 3 and 4 to unlock the leased compounded premises comprised in Survey Nos.210, 212 and 214 in Muniappan Koil Street in Salem Town and to hand over the possession back to the petitioner forthwith enabling him to continue to run his business of vehicle parking in the said property, without any further interruption or interference whatsoever in the petitioner's possession and enjoyment and without auctioning the said property, by considering the petitioner's representation dated 29.05.2017.

3.The learned counsel appearing for the petitioner submitted that the petitioner had also filed a Civil Suit in the year 2010 for permanent injunction restraining the Trustees of the temple not to disturb his peaceful possession and enjoyment of the property till the end of the contract period of three years. Since the petitioner has not paid the rent regularly and was in default of a sum of Rs.4,05,317/- and the petitioner had also paid the said amount to the respondents towards arrears of rent. The learned counsel appearing for the petitioner further submitted that it would be suffice to direct the 3rd respondent to consider the petitioner's representation dated 29.05.2017 in accordance with law.

4.Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents submitted that the third respondent may be directed to consider the petitioner's representation and pass orders, in accordance with law.

5.In view of the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, I direct the third respondent to consider the petitioner's representation dated 29.05.2017 and pass orders, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With this observation, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
2. The Joint Commissioner of HR&CE,
O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.
3. Fir Person/Asst. Commissioner of HR&CE,
Arulmighu Prasanna Venkatajalapathy
Mariamman Temple,
Shevapet,
Salem-636 002.
4. The Executive Officer,
Arulmighu Prasanna Venkatajalapathy
Mariamman and Throwpathy Amman Temples,
Shevapet, Salem-636 002.

+1 cc to the Government Pleader sr 47113
+1 cc to M/s.K.Ramesh Advocate sr 46777

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