

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

CORAM

THE HON'BLE Mr.JUSTICE M.DURAI SWAMY

W.P.No.17187 of 2017

&

W.M.P.No.18677 of 2017

Mrs.Krishnaveni.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
2. Executive Officer,
Arulmigu Theerthapaleeswarar Thirukkoil,
160, Dr.Natesan Road,
Triplicate, Chennai -600 005.
3. The Special Officer,
Arulmigu Theerthapaleeswarar Thirukkoil,
160, Dr.Natesan Road,
Triplicate, Chennai -600 005.

... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents herein to consider the petitioner's representation dated 19.08.2016 requesting to pass separate assessment of the rent of the above said tenancy for occupation of commercial and for the residential space.

For Petitioner : Mr.S.Rajkumar

For Respondents : Mr.M.Maharaja,
Special Government Pleader.

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to consider her representation dated 19.08.2016 requesting to pass separate assessment of the rent for the occupation of the commercial place and for the residential place.

2. The learned counsel appearing for the petitioner submitted that the second respondent, by his order dated 01.07.2016, directed the petitioner to pay 50% of the arrears (i.e) 50% of Rs.16,50,396/- amounting to Rs.8,30,000/- on or before 27.07.2016 as a condition for considering the petition filed under section 78 of the HR & CE Act. According to the petitioner, the petitioner had complied with the order by paying a sum of Rs.8,30,000/-.

3. Mr.M.Maharaja, learned Special Government Pleader, taking notice for the respondents submitted that the petitioner may be directed to deposit some more amount towards arrears of amount and the third respondent may be directed to consider the petitioner's representation, in accordance with law.

4. In view of the submissions made by the learned counsel on either side, I direct the petitioner to pay a further sum of Rs.3,00,000/- before the third respondent within a period of two weeks from the date of receipt of a copy of this order and on payment of the said amount of Rs.3,00,000/-, the third respondent is directed to consider the petitioner's representation dated 19.08.2016 and pass orders in accordance with law, within four weeks from the date of payment to be made by the petitioner. Mr.M.Maharaja, learned Special Government Pleader submitted that till the petitioner make payment of Rs.3,00,000/- and till the disposal of the petitioner's representation, the second respondent shall not proceed with section 78 of the HR&CE Act.

5. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mfa/rj

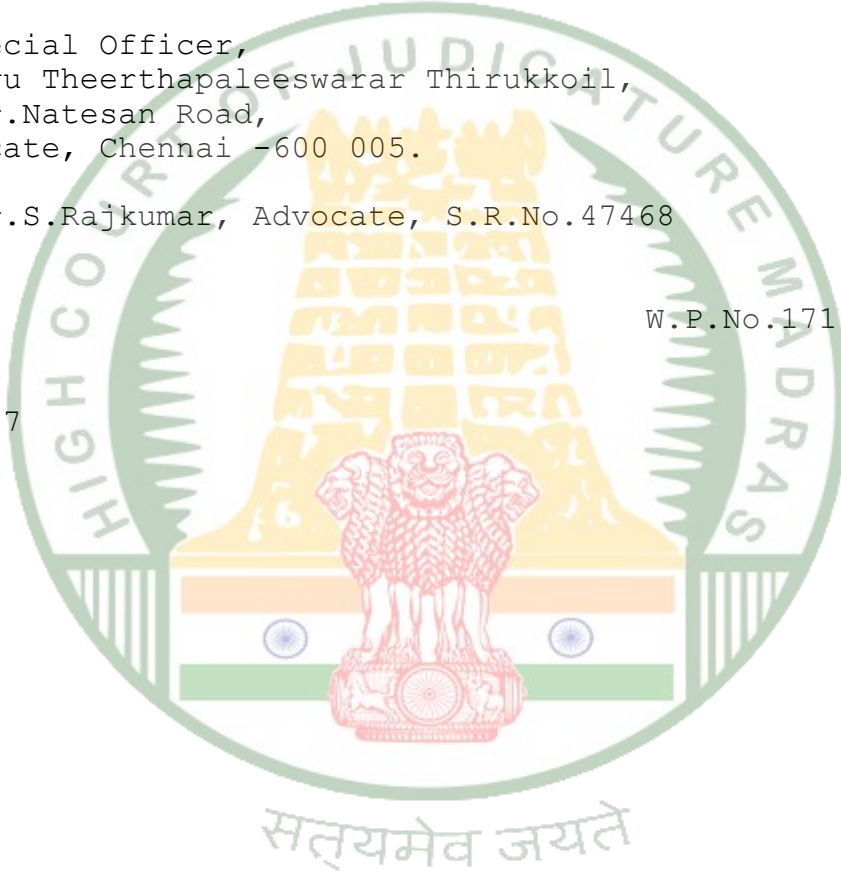
To

1. The Commissioner,
Hindu Religious Charitable Endowments Department,
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+1cc to Mr.S.Rajkumar, Advocate, S.R.No.47468

W.P.No.17187 of 2017

SCD(CO)
CS/19/07/17



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