

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10566 of 2004
and W.P.M.P.No.12354 of 2004

S.Kaalidas

...Petitioner

/versus/

1. The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
 2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.
 3. Incorporated and Unincorporated Devaswoms,
Suchindrum,
rep. by Deputy Commissioner / Executive Officer,
Arulmigu Bhagavathi Amman Thirukoil,
Kanyakumari.
- ...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to call for the records relating to the notice issued by the third respondent dated 31.01.2004 in respect of shop No.361 and quash the same and further direct the respondents herein to refix the rent as per G.O.No.353 and also direct the respondents to adjust the excess rent already paid by the petitioner by the issue of a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction.

For Petitioner : Mr.R.Achuthan

For R1 and R2 : Mr.M.Maharaja (SGP)

For R3 : No Appearance

O R D E R

The Challenge in this Writ Petition is in respect of the notice issued by the third respondent on 31st January 2004 in respect of Shop No.361.

2. The learned Special Government Pleader, Mr.M.Maharaja filed a counter, which reads as follows.

"4. It is submitted that the relief sought for has been carried out and the rent has been refixed as per G.O.No.353 dated 04.06.1999. The Petitioner herein had already accepted the rent as per the above said G.O and he had paid the rent.

Subsequently the Government has given some concessions for fixing fair rent as per G.O.No.456 dated 09.11.2007. Accepting the conditions laid down by the temple, the petitioner has remitted the rents without any disputes. Since the petitioner has accepted the fair rent and it is being remitted by the petitioner regularly the writ petition filed by the petitioner has become infructuous. Hence, the writ petition is liable to be closed or dismissed as infructuous."

3. In view of this factum, further adjudication in this Writ Petition becomes unnecessary and accordingly the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

rna

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.
3. Incorporated and Unincorporated Devaswoms,
Suchindrum,
rep. by Deputy Commissioner / Executive Officer,
Arulmigu Bhagavathi Amman Thirukoil,
Kanyakumari.

+1 CC to Govt Pleader SR.NO.36894

W.P.No.10566 of 2004
and W.P.M.P.No.12354 of 2004

VGII[CO]

MK:17/05/2017



WEB COPY