

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2017

Coram

The Hon'ble Mr. Justice B. Rajendran

Writ Petition No. 21821 of 2016
and
W.M.P.N. 18666 of 2016

R.P. Balakrishnan

...Petitioner

Vs

1. The Secretary,
Tourism, Culture and Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2 The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
3. The Joint Commissioner/Executive Officer,
A/m. Meenakshi Sunderaswarar Temple,
Madurai - 625 001.
4. The Joint Commissioner,
HR & CE, Madurai Division,
Office of the Joint Commissioner,
No.1, West Chithirai Street,
NTC Building Upstairs,
Madurai - 625 001.
5. The Assistant Commissioner,
HR & C E Madurai,
Office of the Joint Commissioner,
Jawans Building, West Vali Street,
Near Railway Station Junction,
Madurai - 625 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus forbearing the respondents from initiating any proceedings in furtherance to the order of the third respondent, dated 10.08.2015, made in its proceedings in Na.Ka.No.4273/2014/E2 and order of the second respondent dated 2.03.2016, made in its proceedings in R.P.No.152 of 2015, pending disposal of the above Revision Petition filed on 25.05.2016, pending on the file of the first respondent.

For Petitioner : Mr.V.Srikanth
For Respondent-1 : Mr.A.Kumar
Special Government Pleader
For Respondents
2, 4 and 5 : Mr.M.Maharaja
Special Government Pleader
(H.R. & C.E.)
For Respondent -3 : Mr.P.Gopalan

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of a Writ of Mandamus, forbearing the respondents from initiating any proceedings in furtherance to the order of the third respondent, dated 10.08.2015 and order of the second respondent dated 2.03.2016, pending disposal of the Revision Petition by the first respondent.

2. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition in short is that, petitioner is the lawful occupier of the Shop, which belonged to the Temple, called Meenakshi Sunderaswarar Temple, Madurai. Originally, the shop has been let out to one Mr.M.G.Krishnamurthy for monthly rent, way back in the year, 1950. After his demise, his son, by name Mr.K.Sriram continued to remain in possession. Thereafter, the said Mr.K.Sriram entered into a partnership agreement with the petitioner and they both conducted a business in the said premises. Later, the said Mr.K.Sriram got retired from the said Partnership and he gave his no objection in transferring his tenancy right to the petitioner and also relinquished his right of tenancy in favour of the petitioner. Therefore, the petitioner gave a representation, dated 23.12.1996 to the third respondent to transfer the tenancy right over the said premises in his favour, for which purpose, he also complied with the conditions insisted by the third respondent, i.e., by paying the entire arrears as demanded by the third respondent. Despite the same, the third respondent, for the reasons best known to him, in the year, 2015, by order, dated 10.08.2015, terminated the

tenancy granted in the name of Mr.M.G.Krishnamurthy. Aggrieved by the said termination order, the petitioner filed a Revision Petition before the second respondent, but, the said Revision Petition has been dismissed, against which, the petitioner has preferred a Statutory Revision before the first respondent. Pending disposal of the Revision Petition, the petitioner has filed the present Writ Petition, seeking for the aforesaid relief.

3. Today, when the Writ Petition is taken up, the learned Special Government Pleader for respondent/H.R.& C.E. Department has submitted that, in charge Secretary has been appointed, and he has been given additional charge to dispose of the Petitions. Therefore, the learned Special Government Pleader submitted that some reasonable time may be given for disposal of the Petition filed by the petitioner.

4. The learned counsel appearing for the petitioner has prayed that, till the disposal of the Revision Petition, dated 25.05.2016, no eviction proceedings shall be initiated against the petitioner.

5. In the light of the above, the present Writ Petition is disposed of, with a direction to the Secretary, (in charge) to dispose of the Revision Petition filed by the petitioner, dated 25.05.2016, within a period of three months from the date of receipt of a copy of this order. It is made clear that, till decision is taken and orders are passed, the petitioner shall not be evicted. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Secretary,
Tourism, Culture and Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

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2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
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Office of the Joint Commissioner,
Jawans Building, West Vali Street,
Near Railway Station Junction,
Madurai - 625 001.

+1cc to Mr.Srikanth, Advocate, S.R.No.1265
+1cc to Mr.Gopalan, Advocate, S.R.No.610
+1cc to the Government Pleader, S.R.No.912

NR(CO)
RS(01/03/2017)

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सत्यमेव जयते

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