

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 3650 of 2013

V.Dhandapani Gurukal

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Nungambakkam,
Chennai 600 034.
3. The Executive Officer,
Arulmigu Thandeewarar Thirukoil,
Velacherry,
Chennai 600 042.

... Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling upon the production of the records relating to the order dated 28.01.2013 made in Nil No. passed by the 3rd respondent quash the same and direct the 3rd respondent to collect the land rent alone.

For Petitioner :Mr.S.Senthilnathan

For Respondents R1 & R2 :Mr. M.Maha Raja
Special Government Pleader
Department of HR & CE

For Respondent R3 :Mr.Sri Ram
for M/s A.S.Kailasam
Associates

O R D E R

The challenge, in this writ petition, is the notice issued by the Executive Officer of Arulmigu Thandeeswarar Thirukoil, Velacherry, Chennai- 600 042. As per the impugned order, the rental arrears towards the temple was Rs.91,336/- (Ninety One Thousand Three Hundred and Thirty Six Only) as on 15.02.2013.

2. The learned Special Government Pleader appearing for the respondents 1 and 2 contended that pursuant to the interim order of this Court, the writ petitioner has paid a sum of Rs.28,000/- (Twenty Eighty Thousand Only) towards arrears of rent. Further the writ petitioner is paying the current rent regularly.

3. This apart, the challenge in the writ petition is only a notice issued by the Executive Officer and instead of submitting an explanation to the authorities concerned, the writ petitioner rushed to this Court and filed this writ petition under Article 226 of Constitution of India. It is for the writ petitioner to submit his explanation for the notice issued by the Executive Officer and further, he has to pay the rent regularly and punctually. Property being a temple property, duty cast upon on the writ petitioner to pay the monthly rent punctually.

4. Further it is the duty of the Executive Officer to ensure collection of the rent regularly on monthly basis and in the event of any failure, it is for the Executive Officer to take action against the tenant concerned. It is for the Executive Officer to maintain a register, regarding the rental income and other details and mere issuance of the notice by the Executive Officer will not confer any right on the writ petitioner, nor will provide cause to file this writ petition.

5. Such being the factum, this Court is not inclined to consider on merits and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Nungambakkam,
Chennai 600 034.
3. The Executive Officer,
Arulmigu Thandeeswarar Thirukoil,
Velacherry,
Chennai 600 042.

+1cc to the Government Pleader Sr.37136

W.P. No.3650 of 2013

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srg 25/05/2017



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