

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18732 / 2004

N.Gopikrishnan

.. Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Commissioner,
Hindu Religious and Endowment Department,
Nungambakkam High Road,
Chennai - 600 034.
 2. The Assistant Commissioner/
Executive Officer/Fit Person
Sri Parthasarathy swamy Thirukoil,
Triplicane,
Chennai - 600 005.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to dispose of the application submitted by the petitioner dated 24.12.1999 along with the No Objection -cum- consent letter from the wife of the previous Principal Tenant for recording the petitioner's name as tenant in respect of the property in Old No.13, New No.12 Trivelien Basin Street(East) Sowcarpet, Chennai- 600 079 with in the prescribed time stipulated by the Court.

For Petitioner : Mr.T.Velumani
for Mr. S.Balasubramanian
For Respondents: Mr. Maharaja
Special Government Pleader for R1.
G.Sugumaran for R2.

ORDER

The petitioner has filed this petition to direct the second respondent to dispose of the application submitted by the petitioner dated 24.12.1999 along with the No Objection -cum- consent letter from the wife of the previous principal tenant for recording the petitioner's name as tenant in respect of

the property in Old No.13, New No.12 Trivelien Basin Street (East) Sowcarpet, Chennai- 600 079

2. It is represented by the counsel for the second respondent and Mr. Maharajan, Special Government Pleader appearing for the first respondent that pursuant to the interim order of this court, the application made by the petitioner is still pending before the second respondent and at present, the Commissioner is the authority concerned to decide the same.

3. According to the petitioner, the original tenant is his uncle and that the present petitioner continued to be the tenant. He has also been paying the required amount demanded by the respondents as rent. Since the said application is pending and without being disposed of, in view of the interim order of this court, the Commissioner of H.R. & C.E. Department may take up the application and decide the same in accordance with law.

4. It is represented by the learned counsel for the petitioner that the Government has issued G.O.Ms.No.277, Tamil Development-Culture and Hindu Religious Department, dated 02.12.2005, the contents of which have to be extended to this case also. It is for the authority to decide whether the said G.O. is applicable to this case or not.

5. It is further submitted that the petitioner is willing to pay the rent fixed without prejudice to the defence in the application, which is pending before the second respondent-Assistant Commissioner. It is open to the petitioner to put forth all his defence before the authority.

6. It is open to the petitioner to file necessary and additional statements and also file documents in support of his claim/demand and the same shall be considered by the Commissioner of H.R. & C.E. Department within a period of one month from the date of receipt of a copy of this order. If the petitioner fails to make additional statement or appear in person on the date specified by the Commissioner, it is open to the Commissioner to decide the same in accordance with law as directed above.

7. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

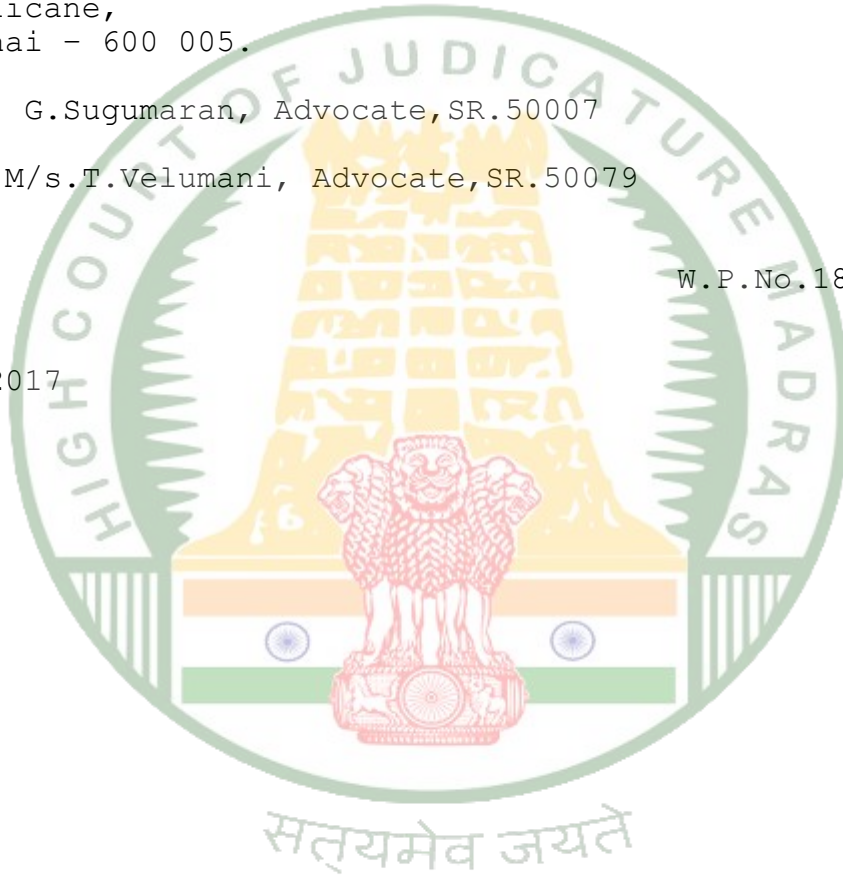
1. The Commissioner,
The State of Tamil Nadu,
Hindu Religious and Endowment Department,
Nungambakkam High Court,
Chennai - 600 034.
2. The Assistant Commissioner
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Sri Parthasarathy swamy Thirukoil,
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Chennai - 600 005.

+ 1 cc to G.Sugumaran, Advocate, SR.50007

+ 1 cc to M/s.T.Velumani, Advocate, SR.50079

Order in
W.P.No.18732 of 2004

KGK(CO)
NR 15/09/2017



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