

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.09.2017
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.17916 of 2017**

V.Rameshkumar

... Petitioner

Vs.

1. The Joint Commissioner,
H.R. & C.E.,
Office of the H.R. & C.E., Department,
Mayiladuthurai.

2. The Executive Officer,
Sri Kaasi Vishwanathar Kovil,
Kaasi Vishwanathar Kovil Street,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent to consider the representation made to him on 04.08.2017 paying to extend the lease period of the tenancy of the petitioner for the building of the 1st Respondent Temple Door No.4/429, Mahamaham Kulam West Street, Kumbakonam, Thanjavur District by a period of one year and eight days (1 year and 8 days) from 31.12.2017 for which the lease by auction is already paid and consequently permit the petitioner to run the Tea Stall Business for a period of one year and eight days (1 year and 8 days) from 31.12.2017.

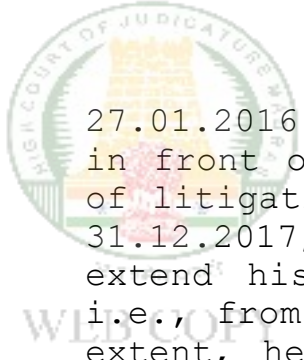
For Petitioner : Mr.M.V.Santharaman
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents.

3. The petitioner, who was allotted with a shop bearing Door No.4/429, Mahamaham Kulam West Street, Kumbakonam, Thanjavur District up to 31.12.2017, was not able to open/run his shop from



27.01.2016 to 04.02.2017, due to the stationing of a Mobile Toilet in front of his shop, which came to be removed after some rounds of litigation. As the petitioner has already paid the rent up to 31.12.2017, as per the lease deed, he requested the respondents to extend his lease period from 31.12.2017 for the unused period i.e., from 27.01.2016 to 04.02.2017 (1 year & 8 days) and to that extent, he has also submitted a representation dated 04.08.2017. As the same is kept pending, without any action, the petitioner is before this Court.

4. When the matter is taken up for hearing, the learned Counsel for the petitioner submitted that it would suffice, if his representation is disposed of by the respondents, in the manner known to law, within a stipulated time period.

5. Considering the limited scope of the relief now sought for, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 04.08.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
H.R. & C.E.,
Office of the H.R. & C.E., Department,
Mayiladuthurai.
2. The Executive Officer,
Sri Kaasi Vishwanathar Kovil,
Kaasi Vishwanathar Kovil Street,
Kumbakonam,
Thanjavur District.

+1cc to M/S. T.R.SUBRAMANIAN, Advocate, SR.No.80090.

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