



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)Nos.24137 to 24143 of 2016

and WMP(MD).17419 to 17425 of 2016

S.SREE RAMAN	...PETITIONER IN W.P(MD). 24137/2016
P.JAYAMONOHARAN	...PETITIONER IN WP(MD). 24138/ 2016
S.DEVARAJ	...PETITIONER IN WP(MD). 24139/ 2016
V.MURUGAN	...PETITIONER IN WP(MD). 24140/ 2016
M.ALEX PANDIAN	...PETITIONER IN WP(MD). 24141/ 2016
S.ARUN KUMAR	...PETITIONER IN WP(MD). 24142/ 2016
S.SURESH	...PETITIONER IN WP(MD). 24143/ 2016

-VS-

1 THE COMMISSIONER,
O/O. THE COMMISSIONER (HR & CE),
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
CHENNAI - 34

2 THE JOINT COMMISSIONER/ EXECUTIVE OFFICER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
(INCORPORATED AND UNINCORPORATED TEMPLES),
SUCHINDRAM HEAD OFFICE, SUCHINDRAM POST,
KANYAKUMARI DISTRICT.

3 THE MANAGER, ARULMIGU BHAGAVATHIYAMMAN TEMPLE,
KANYAKUMARI, KANYAKUMARI DISTRICT.

... RESPONDENTS IN ALL WPS.

PRAYER W.P(MD)No.24137/2016: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.1 in E-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD). 24138/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of



Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.E4 in E-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD) . 24139/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.E4 in E-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD) . 24140/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.F6 in F-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD) . 24141/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.F11 in F-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD) . 24142/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No. F10, in F-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.

Prayer in WP(MD) . 24143/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.F15 in F-Block to continue to allow the petitioner as a lessee in the said shop, collect the rent as usual from the petitioner with or without any condition.



For Petitioner
in all WP's : Mr.S.Loganathan

For R.1
in all WP's : Mr.M.Alagathevan
Special Government Pleader

For R.2
in all WP's : Mr.R.Saravanan

COMMON ORDER

All these writ petitioners are similarly placed and the relief sought for in these writ petitions are being one and the same and the grievance of the petitioners being similar, all the Writ Petitions have been taken up together and a Common Order is passed.

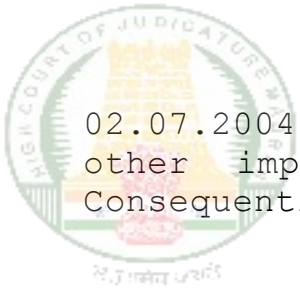
2. For the sake of brevity, facts are being taken from W.P.(MD) No.24137 of 2016, in which, the petitioner seeks to direct the respondents to extend the lease of the petitioner for a further period of 3 years to shop No.1 in E-Block to continue to allow the petitioner as a lessee in the said shop collect the rent as usual from the petitioner with or without any condition.

3. Heard the learned counsel on either side.

4. The case of the petitioner is that he has given a representation to the respondents dated 24.11.2016 requesting them to extend the lease for further three years in respect of Shop No.E-1 in E-Block, Kanyakumari Beach area and permit the petitioner to continue as a lessee in the said shop by collecting the rent as usual from the petitioner. Since no action has been taken, the petitioner has come forward with the writ petition.

5. Though the prayer in all these writ petitions is to extend the lease of the respective petitioners for a period of three years, the petitioners have now agreed to file an affidavit for appropriate permission to have their business operations on daily rental basis and the same has been accepted by the respondents. Such submission made by the learned Counsel for the petitioners as well as the learned Counsel for the respondents 1 & 2 is recorded.

6. In view of the above, these writ petitions are disposed of with a direction to the petitioners to file necessary affidavit before the authority concerned in support of their request, within a period of one week time from the date of receipt of a copy of this order and on receipt of such affidavits, the petitioners shall be permitted to have their business operations on daily rental basis as provided under G.O.(Ms) No.223/2004 dated



02.07.2004 and G.O.(Ms) No.456 dated 09.11.2007, if there is no other impediment for the respondents to do so. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

WEB COPY

/True Copy/

Sub Assistant Registrar.

To:

1.The Commissioner

O/o. The Commissioner (HR & CE)
Hindu Religious and Charitable Endowment,
Chennai - 34.

2.The Joint Commissioner/ Executive Officer,
Hindu Religious and Charitable Endowment,
(Incorporated and Unincorporated Temples)
Suchindram Head Office,
Suchindram Post,
Kanyakumari District.

3.The Manager

Arulmigu Bhagavathiyamman Temple,
Kanyakumari,
Kanyakumari District.

+7CC to Mr.S.Loganathan, Advocate, SR.No. 68128 to 68134

+1CC to Mr.M.Saravanan, Advocate, SR.No. 68455

+1CC to the Special Government Pleader SR.No. 69024

W.P(MD)Nos.24137 to 24143 of 2016

27.07.2017

rm/ar

AM/SV AAM/SAR 1/02.08.2017/4P/13C