

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.12831 of 2012

K.Viswanathan

.. Petitioner

Versus

1.The Commissioner,
Hindu Religious Charitable Endowments,
Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2. The Deputy Commissioner / Executive Officer,
Arulmighu Vadapalaniandavar Temple,
Vadapalani,
Chennai - 600 026. .. Respondents

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the 2nd respondent to consider and dispose of the representation of the petitioner dated 20.07.2011 submitted for the issuance of the No Objection Certificate, within the time fixed by this Court.

For Petitioner : Mr.K.Sukumaran

For Respondents : Mr.M.Maharaja,
Spl.Govt.Pleader (HR&CE)

ORDER

The petitioner, who is none other than a tenant under the 2nd respondent /The Deputy Commissioner / Executive Officer, Arulmighu Vadapalaniandavar Temple, Vadapalani, Chennai - 600 026 had given a representation seeking to demolish the existing building and sought further permission to re-construct the same. The 2nd respondent had not given any such permission.

2. It is represented by Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents that they had not granted any such permission. In the meanwhile, the petitioner is dead. The learned counsel for the petitioner states that they would take steps to bring on record the legal representatives. This would not strictly possible, since it is the petitioner who is recognized as a tenant and if at all he has any legal representatives, it is for them to make fresh representation. They cannot take steps into the shoes of the petitioner in the Writ Petition.

3. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Hindu Religious Charitable Endowments,
Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Deputy Commissioner / Executive Officer,
Arulmighu Vadapalaniandavar Temple,
Vadapalani,
Chennai - 600 026.

+1 cc to The Government Pleader, Sr.No.77094

GP(CO)
CSL/26.11.2018

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