

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8213 of 2018
and W.M.P.No.10182 of 2018

Mr.J.Rajanadar

.. Petitioner

-vs-

1.The Commissioner

Hindu Religious & Charitable
Endowment Board
Nungambakkam
Chennai - 600 034.

2.The Joint Commissioner

Hindu Religious & Charitable
Endowment Board
Nungambakkam
Chennai - 600 034.

3.The Executive Officer

A/m.Srinivasa Perumal Thirukoil
Choolai, Chennai - 600 112.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to the impugned order Na.Ka.No.9155/2014/A3 dated 20.07.2017 and to quash the same and to direct the respondents to enter into a fresh rental agreement with the petitioner and to deliver the premises in Door No.28, Vaathiyar Kandha Pillai Street, Choolai, Chennai 112.

For Petitioner :: Mr.G.Dhanasekaran

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

ORDER

The petitioner has again come to this Court having failed in his attempts to a challenge made to the very same impugned order. This Court, finding no merits in his challenge in the

earlier writ petition in W.P.No.28114 of 2017, questioning the correctness of the very same impugned order, dismissed the same as withdrawn on 03.11.2017 with liberty to take part in the auction proceedings. But till date, the public auction has not taken place.

2. The learned Special Government Pleader appearing for the respondents submitted that the property in question has already been surrendered to the respondents. Now the respondents have to hold the public auction on a fixed date.

3. Since the public action, till date, has not taken place, the petitioner has come to this Court.

4. I fully agree with the submission made by the learned Special Government Pleader. This Court finds no merits in the writ petition. The reason being the petitioner, who was a tenant at Door No.28m Vaathiyar Kandha Pillai Street, Choolai, Chennai - 600 112, having lost the suit in Ejectment Suit No.2 of 2001, however, he suffered a proceeding initiated by the Executive Officer of Arulmigu Srinivasaperumal Thirukoil, Choolai, Chennai for non payment of rent for quite long time. Finally, the Ejectment suit No.2 of 2001 filed against the petitioner was decreed and subsequently, the third respondent also took possession of the property on 23.01.2017 by executing a decree passed in Ejectment Suit No.2 of 2001.

5. Therefore, when the property in question was already taken out by the third respondent on 23.01.2017, the petitioner cannot come to this Court once again challenging the same order dated 20.07.2017, which was dismissed by this Court on 03.11.2017 in W.P.No.28114 of 2017.

6. Hence, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Commissioner
Hindu Religious & Charitable
Endowment Board
Nungambakkam
Chennai - 600 034.

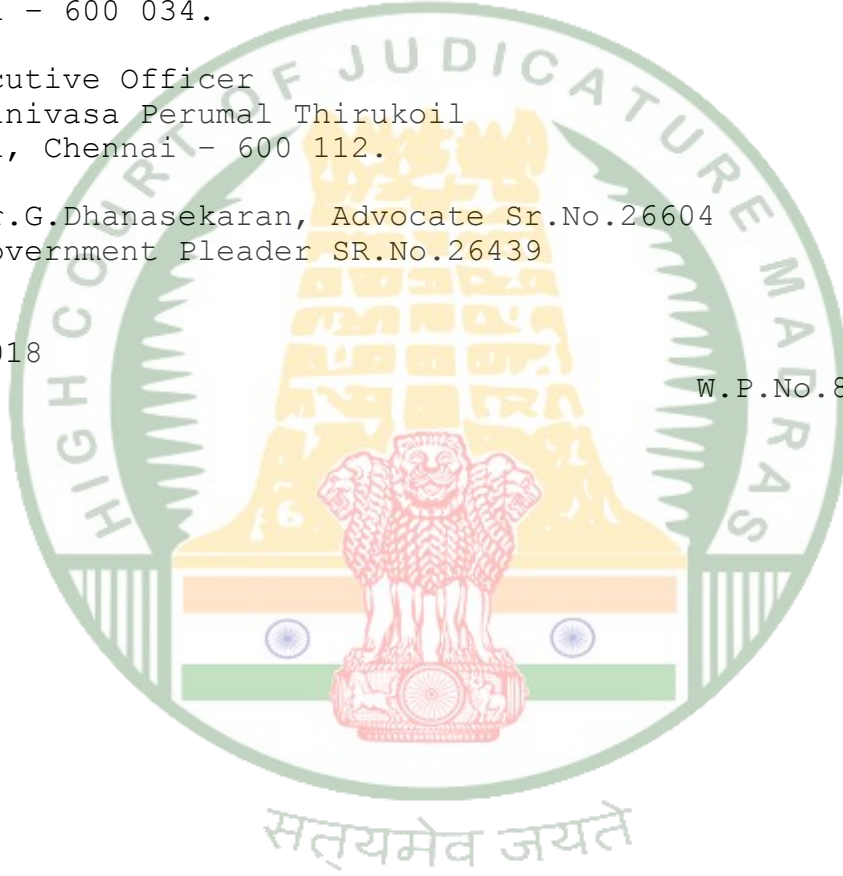
2.The Joint Commissioner
Hindu Religious & Charitable
Endowment Board
Nungambakkam
Chennai - 600 034.

3.The Executive Officer
A/m.Srinivasa Perumal Thirukoil
Choolai, Chennai - 600 112.

+2cc to Mr.G.Dhanasekaran, Advocate Sr.No.26604
+1cc to Government Pleader SR.No.26439

KK(CO)
sm:25.4.2018

W.P.No.8213 of 2018



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