

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4578 of 2018

and

WMP.No.5629 of 2018

S.Saddiq Ali

S/o.A.Sirajuddin

.. Petitioner

Vs.

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Villupuram District,
Villupuram.

2. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Cuddalore District, Cuddalore.

3. The Executive Officer
Arulmighu Padaleeswarar Temple
Thirupathiripuliyur
Cuddalore District.

4. T.E.Varadharajan
S/o.Ethirajan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to recognize the petitioner as a tenant in respect of the Shop No.88E, Lawrance Road, Cuddalore, based on the representation dated 19.12.2016.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.M.Maharaja
Special Government Pleader for R1 to R3

O R D E R

Heard Mr.C.Umashankar, learned counsel for the petitioner.

2. The petitioner seeks for a mandamus directing the respondents 1 to 3 to recognize him as a tenant in respect of the Shop No.88E, Lawrance Road, Cuddalore, based on his

representation dated 19.12.2016.

3. Admittedly, the subject matter property belongs to the third respondent Temple. It is claimed by the petitioner that the fourth respondent was recognized as a tenant by the third respondent in respect of the subject matter property, from whom the petitioner has taken the premises for rent and doing the business for the past 30 years. Thus, it is stated that the petitioner has to be recognized as a tenant in respect of the subject matter property and therefore, the representation made by him on 19.12.2016 has to be considered by the respondents 1 to 3.

4. I do not think that the petitioner is having any right or justification in seeking tenancy right over the subject matter property, admittedly, when he was not put into possession of the respondent temple as a tenant. Merely, because the fourth respondent allowed the petitioner to take the property on lease, that too, under his tenancy, that will not bind the temple and consequently, allow the petitioner to remain in the subject matter property as a tenant. In fact the temple has issued a notice as early as on 06.10.2016, calling upon the petitioner to vacate the subject matter premises, by specifically claiming that he is an encroacher and consequently, not entitled to be in possession of the subject matter premises. When such being the factual position, I do not think that the present claim made by the petitioner can be considered. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Villupuram District,
Villupuram.
2. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Cuddalore District, Cuddalore.

3. The Executive Officer
Arulmighu Padaleeswarar Temple
Thirupathiripuliyur
Cuddalore District.

+1cc to the Government Pleader SR.No.15955

+1cc to Mr.M.Selvam Advocate SR.No.15952

W.P.No.4578 of 2018

SDR 12.03.2018



WEB COPY