

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7929 of 2014

and

M.P.No.1 of 2014

G.Elangovan

..Petitioner

vs

The Commissioner
Hindu Religious and
Charitable Endowment Board,
Nungambakkam High Road,
Chennai - 600 034.
.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the order Na.Ka.No.62004/2013/R1 dated 06.02.2014 passed by the respondent and consequently direct the respondent to extend the benefits of G.O.Ms.No.340 Tamil Development & Religious Endowment & Information (AN 4-2) to the petitioner.

For Petitioner : Mr.R.Gururaj

For Respondent : Mr.M.Maharaja, Spl GP (HR & CE)

O R D E R

It is contended by the learned counsel appearing on behalf of the writ petitioner that father of the writ petitioner was a original lessee and accordingly, the writ petitioner continued to be in possession of the property in question. However, the lease period had not been extended by the competent authorities of the Hindu Religious and Charitable Endowment ["HR & CE"] Department and subsequently, the proceedings under Section 78 was initiated and the petitioner was vacated from the premises.

2.It is now admitted by the respective parties that the property in question is in the possession of the Temple authorities. Thus, it is left open to the writ petitioner to participate in the open auction, if any conducted by the Temple

authorities for the purpose of leasing out the said premises. In respect of the lease granted in favour of the father of the writ petitioner, the same expired long back and the writ petitioner had already been vacated from the premises and therefore, he has no right to submit any further applications in respect of the property which was leased out and the property which was originally belongs to the father of the writ petitioner.

3.This being the factum of the case, the writ petitioner is at liberty to participate in any fresh open auction if any conducted.

4.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Commissioner
Hindu Religious and
Charitable Endowment Board,
Nungambakkam High Road,
Chennai - 600 034.

+1cc to Mr.R.Gururaj, Advocate, S.R.No.40865

+1cc to the Government Pleader, S.R.No.40517

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GSP (05/07/2018)

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