

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2018

CORAM

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

W.P.No.2357 of 2017

B.Vijaya

..Petitioner

vs

- 1.The Union of India represented by
The Chief Secretary to Government,
Government of Puducherry,
Puducherry.
- 2.The Secretary to Government,
Hindu Religious Institutions Department,
Government of Puducherry,
Puducherry.
- 3.The Commissioner,
Hindu Religious Institutions,
Government of Puducherry,
Puducherry.
- 4.The Executive Officer,
Sri Badra Kaliyamman Koil Devasthanam,
Ambagarathur,
Karaikal.
- 5.The Senior Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Triveni, 3rd Floor,
No.35, Sastri Road,
Trichy.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to forthwith execute lease deed in favour of the fifth respondent in respect of land in O.S.No.96/1, Ambagarathur, Karaikal, belonging to the fourth respondent, so as to enable the fifth respondent to install and enable the petitioner to carry on retail outlet.

For Petitioner	:	Mr.Kamala Kumar
For Respondents	:	Mr.B.Nambiselvan, AGP (Puducherry) for R1 to R4 Mr.Ananda Natarajan for R5

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 4 to forthwith execute lease deed in favour of the fifth respondent in respect of land in O.S.No.96/1, Ambagarathur, Karaikal, belonging to the fourth respondent.

2.The learned counsel appearing on behalf of the writ petitioner admits that the land described in the writ petition belongs to the 4th respondent Temple, which is Sri Badra Kaliyamman Koil Devasthanam.

3.The relief sought for in this writ petition is to direct the respondents to execute a sale deed. Execution of a sale deed is an administrative process to be undertaken by the Temple with the permission of the Hindu Religious and Charitable Endowments Department("HR & CE").

4.The learned counsel for the petitioner states that the Hindu Religious and Charitable Endowments Department has already accorded permission to execute a sale deed and the Executive officer has not acted upon. Such internal aspects would not constitute a right for the writ petitioner to claim a lease deed by way of filing of the writ petition. In the absence of establishing any legal right, no writ can be entertained under Article 226 of the Constitution of India. Mere correspondences or views or resolutions passed either by the Temple or by the "HR & CE" Department cannot constitute a cause of action for the writ petitioner to file a writ petition and seek for a direction to execute the lease deed unless a deed of lease is executed. The writ petitioner would not get any right to claim the right over the property in question.

5.In this view of the matter, the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

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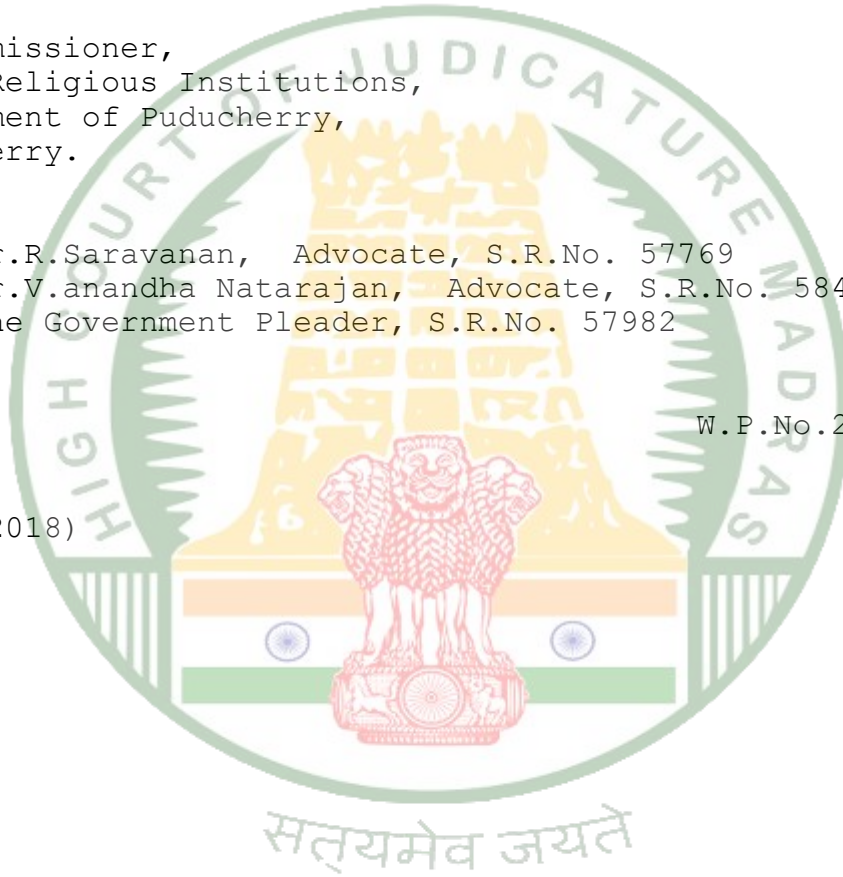
To

- 1.The Union of India represented by
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Puducherry.
- 2.The Secretary to Government,
Hindu Religious Institutions Department,
Government of Puducherry,
Puducherry.
- 3.The Commissioner,
Hindu Religious Institutions,
Government of Puducherry,
Puducherry.

+1cc to Mr.R.Saravanan, Advocate, S.R.No. 57769
+1cc to Mr.V.anandha Natarajan, Advocate, S.R.No. 58468
+1cc to the Government Pleader, S.R.No. 57982

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SSV(CO)
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