

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.10.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.24338 of 2018 and
W.M.P. Nos.28352 & 28353 of 2018

R.Mythili

...Petitioner

Vs

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam, Chennai-600 034.

2.The Executive Officer,
Arulmighu Thiyagarajasamy Thirukovil,
Thiruvottiyur, Chennai-600 019.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records in proceedings nil, dated 02.07.2018, on the file of second respondent and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the respondents to transfer the lease to the name of the petitioner.

For Petitioner : M/s.Sahana Rajan for
Mr.V.Raghavachari

For Respondents: Mr.M.Maharaja
Special Government Pleader

ORDER

The petitioner has come up with this writ petition challenging the Proceedings nil, dated 02.07.2018 issued by the second respondent and seeking a direction to the respondents to transfer the lease in her name.

2.According to the petitioner, the land in S.No.334/1 to an extent of 2400 sq.ft. situated at Amsa Garden, I Street, Thiruvottiyur, Chennai belongs to the second respondent temple. The said land was leased to her father in law as per lease deed dated 19.01.1978. After his demise, she continued to be in possession of the property. However in the year 2016, the respondents issued her show cause notice dated 11.02.2016 under 78(2) of the Hindu Religious and Charitable Endowments Act. On receipt of the same, she requested the authorities concerned to

effect necessary name transfer by enclosing a Demand Draft for a sum of Rs.25,000/-. Thereafter, the petitioner appeared for enquiry and requested time to pay the arrears amount. Despite the fact that the petitioner's father in law is no more and the fact that she has been paying the rents regularly, the second respondent had issued notice against the dead person and proceeded to seal the premises. Hence, she is before this Court.

3.Learned counsel for the petitioner would submit that pursuant to the directions of this Court, the petitioner paid the entire arrears of rent. Learned counsel has also filed an affidavit dated 05.10.2018 to the effect that the petitioner is inclined to pay the rent fixed by the authorities and to submit a proper representation to the second respondent so as to transfer the lease in their favour and on such transfer, the petitioner agreed to abide by the terms of the lease and pay the rent without any default.

4.Learned Special Government Pleader appearing for the respondents submitted that the claim of the petitioner would be considered, on merits.

5.Considering the affidavit of the petitioner dated 05.10.2018 and having regard to the submissions made by the learned counsel on either side, this Court set asides the impugned order and directs the second respondent to consider the claim of the petitioner and refer the same to the first respondent for further orders. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to pay the rent regularly until orders are passed by the authorities.

6.Accordingly, this writ petition stands disposed of. Consequently, connected W.M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam, Chennai-600 034.

2.The Executive Officer,
Arulmighu Thiyagarajasamy Thirukovil,
Thiruvottiyur, Chennai-600 019.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.74677

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SS(CO)

rrs 03/12/2018



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