

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.32924 of 2013
and M.P.Nos.1 & 2 of 2013

K.Jairam

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
2. The Joint-Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
3. The Executive Officer,
Arulmigu Kabaleeshwarar Temple,
Mylapore,
Chennai - 600 004.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider petitioner's representation dated 09.11.2013 and fix the rent in respect of the building bearing No.45, Nadu Street, Mylapore, Chennai 600 004.

For Petitioner :Mr.R.Thiagarajan, SC. for
Mr.M.Muthappan

For Respondents :Mr.Maharaja, Spl.G.P.(HR & CE) (for RR1 & 2)
Mr.A.K.Srirram
for M/s. A.S.Kailsasam & Asso. (for R3)

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader (HR & CE) appearing for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

2. The prayer in the Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to consider

representation of the petitioner, dated 09.11.2013 and fix the rent in respect of the building bearing No.45, Nadu Street, Mylapore, Chennai 600 004.

3. The case of the petitioner is that originally the premises in dispute was originally leased out to one Mrs.Andal. After she shifted her residence, the petitioner is staying in the said premises and paying the rents regularly and the Temple authorities also accepted the same. However, the Temple authorities issued a notice on 29.10.2013 to vacate the said premises. Hence, the petitioner send a representation dated 09.11.2013. Since no action was taken, the present Writ Petition.

4. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the 3rd respondent to consider the representation of the petitioner.

5. The learned Standing Counsel for the 3rd respondent submitted that the petitioner was considered as an encroacher and the 3rd respondent is ready to pass appropriate orders on the representation of the petitioner in accordance with law.

6. In the light of the above submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the 3rd respondent to consider and pass appropriate orders on the representation of the petitioner dated 09.11.2013, on merits and in accordance with law, within a period of twelve weeks form the date of receipt of a copy of this order, after providing an opportunity of hearing to the necessary parties.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

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

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

+1cc to Mr.M.Muthappan, Advocate Sr.No.24157
+1cc to M/s.A.S.Kailsasam & Asso.Sr.No.24474
+1cc to Government Pleader Sr.No.24559

BR(CO)
sm:25.4.2018

WP.No.32924 of 2013



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