

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.4815 of 2018****and****W.M.P (MD) Nos.4828 and 4829 of 2018**

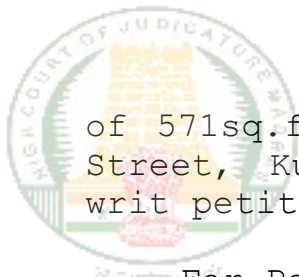
P. Murugesan

... Petitioner

vs.

1. The Government of Tamil Nadu
Rep by its Principal Secretary
Tourism, Culture and Charitable (A.ni-3-2)
Fort St.George, Secretariat,
Chennai- 600 009.
 2. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Government of Tamil Nadu,
Chennai- 600 034.
 3. The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Government of Tamil Nadu,
Mayildaduthurai.
 4. The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Government of Tamil Nadu,
Kumbakonam.
 5. The Executive Officer,
Arulmighu Aadhi Kumbeswaraswamy Thirukoil
Hindu Religious & Charitable Endowment Department
Government of Tamil Nadu,
Kumbakonam- 612 001.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari to call for the records of the first respondent impugned order G.O(Ms) No.238, Tourism, Cultural and Endowment(A.Ni.3-2) Department dated 08.11.2017 and quash the same and consequently to direct the respondents to open the petitioner's shop to continue his business in peaceful possession of the shop bearing door No.2 to an extent



of 571sq.ft situated at survey no.237 Kasi Viswasnathar Sannadhi Street, Kumbakonam, Thanjavur District pending disposal of the writ petition.

For Petitioner : Mrs. S. Mahalakshmi
For Respondents : Mr.J.Gunaseelan Muthiah
No.1 to 4 Additional Government Pleader.
No.5 : Mr. Chandrasekar

O R D E R

Admittedly the subject property in shop No.2 comprised in survey No.237, Kasi Viswanathar Sannadhi Street, Kumbakonam was originally leased out to Ramaiyer and after the death of Ramaiyer, the leasehold right was not transferred in favour of the petitioner herein. It is further seen that the petitioner herein was occupying the subject property without a valid lease agreement and without effecting transfer of the tenancy rights to his name. Since no lease subsists between the petitioner and the temple, the petitioner may not have a legal right to claim possession of the said shop. I do not find any infirmity in the proceedings issued by the respondents while cancelling the leasehold rights of Ramaiyer and directing him to vacate the premises from shop No.2.

2. It is submitted by the learned Additional Government Pleader for the respondents that the subject shop is a Mandapam which has a heritage value and as such it is sought to be retained in its original form for the purpose of keeping the deities at the time of festivals.

3. I also do not find any infirmity in the steps taken by the respondents in evicting the petitioner herein. Moreover, the petitioner may not have any legal right to seek for repossession of the subject shop. As such there are no merits in the writ petition.

4. At this juncture, the learned counsel for the petitioner submits that in case the respondents intend to let out the subject shop for any commercial purpose, his case may be considered for re-possession. If at all the respondents take a decision to let out the subject shop for lease to the third parties on commercial basis, they shall consider the petitioner's request for allotment of the shop on priority basis.

5. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To:

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4. The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Government of Tamil Nadu,
Kumbakonam.

+ 1 cc TO Ms.S.Mahalakshmi , Advocate in SR No. 72044
+ 1 cc TO Mr.V.Chandrasekar , Advocate in SR No. 72184

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AE/SKN RSK/SAR1/23.07.2018/3P/7C

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