

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2019

CORAM

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

W.P.No.41311 of 2006

And

M.P.Nos.4 of 2006 and 1 of 2007

Thiru D.P.Veeramarthandan

... Petitioner

Vs

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

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowment,  
(Administration Department),  
Salem No.1,  
Salem District.

3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowment,  
Dharmapuri,  
Dharmapuri District.

4.Arulmigu Selliamman Mariamman Temple,  
Komarasampatti,  
Dharmapuri Town and Taluk,  
Dharmapuri District represented by  
its Hereditary Trustee.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the first respondent dated 30.9.2006 in R.P.No.40/2006 D2 confirming the order dated 29.12.2005 in M.P.No.71/2005/B.3 passed by the second respondent and quash the same and consequently to forbear the respondents, their men, agents or any person from evicting or dispossessing the petitioner from the leasehold premises bearing Door No.8-A, Survey No.392/2, to an extent of 3500 sq. ft., excepting by terminating the lease in a manner known to law.

For Petitioner : No Appearance

For Respondents-1to3: Mr.M.Maha Raja,  
Special Government Pleader  
(HR&CE) .

For Respondent-4 : Mr.K.Ganesh Kumar for  
Mr.K.Ashok Kumar.

O R D E R

The relief sought for in the present writ petition is to quash the order passed by the first respondent in proceedings dated 30.9.2006, confirming the order dated 29.12.2005. Further, a direction is sought for to forbear the respondents from evicting or dispossessing the writ petitioner from the leasehold premises bearing Door No.8-A, Survey No.392/2, to an extent of 3500 sq. ft., excepting by terminating the lease in the manner known to law.

2. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 3, solicited the attention of this Court in respect of the Lease Deed signed by the respective parties. The Lease Deed dated 7.12.2002, which is enclosed in page No.10 of the typed set of papers filed along with the present writ petition, categorically enumerates that the lease period was from 1.1.2000 to 31.1.2003.

3. Thus, the period of lease expired long back and therefore, the writ petitioner lost his right to continue in the premises based on the Lease Deed dated 7.12.2002. If any renewal of lease is granted that alone shall be considered and as far as the present writ petition, it was filed based on the Lease Deed dated 7.12.2002, no relief can be granted to the writ petitioner and if the writ petitioner is continuing unauthorisedly in the premises, the authorities competent are empowered to initiate all further actions by following the procedures contemplated under law.

4. It is made clear that if the writ petitioner is continuing illegally without any permission or lease deed, the officials of the competent authorities are directed to initiate eviction proceedings under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act and evict all such unauthorised occupants by following the procedures contemplated under law.

5. With the above directions, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn  
To

- 1.The Commissioner,  
Hindu Religious and Charitable Endowment,  
Nungambakkam,  
Chennai-600 034.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowment,  
(Administration Department),  
Salem No.1,  
Salem District.
- 3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowment,  
Dharmapuri,  
Dharmapuri District.

+1cc to Mr.K.Ashok kumar, Advocate Sr.7996  
+1cc to the Government Pleader Sr.8452

WP No.41311 of 2006

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