

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.05.2019

Coram

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.14912 and 14918 of 2019
and W.M.P Nos.14884, 14887, 14892 and 14895 of 2019

Bhawarlal Jain ... Petitioner in both the Petitions

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Thamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai - 600 034
 2. Shree Muthukumaraswamy Devasthanam
rep. By the Executive Officer,
Hindu Religious and Charitable
Endowments,
Chennai - 600 003
- ...Respondents in both the
Petitions

Prayer in W.P.No.14912 of 2019: Writ Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus to call for records of Eviction Notices dated 07.05.2019 and 13.05.2019 and demand notice dated 25.04.2018 and quash the same and to direct the respondents not to evict the petitioner from the premises, bearing Shop No.1, Door No.210, Ground Floor, Thanga Salai Street, Mint Street, Park Town, Chennai - 600 003.

Prayer in W.P.No.14918 of 2019: Writ Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus to call for records of Eviction Notices dated 07.05.2019 and 13.05.2019 and demand notice dated 25.04.2018 issued by the 2nd Respondent and quash the same and to direct the respondents not to evict the petitioner from the premises, bearing Shop No.10, Door No.210, First Floor, Thanga Salai Street, Mint Street, Park Town, Chennai - 600 003

For Petitioner	: Mr.M.B.Mushtaque Ahamed
For Respondents	: Mr.M.Maharaja Government Advocate

C O M M O N O R D E R

Since the issue involved in these Writ Petitions are one and same, they are taken up together and a common order is being passed.

2. The learned counsel for the petitioner would contend that the petitioner was permitted as a tenant in respect of the land belonging to Devasthanam-2nd Respondent-temple and initially they fixed the rent for a sum of Rs.9,850/- and subsequently, enhanced to Rs.48,000/-. On the Petitioner's representation, the same has been reduced to Rs.24,400/- and the said application along with communication has been sent to the petitioner under proceedings of the Executive Officer, 2nd Respondent-Temple dated 01.09.2018. Further, the Petitioner was served with demand notice dated 25.04.2018 demanding the petitioner to pay the fair rent and also served eviction notice dated 07.05.2019 and 13.05.2019, wherein he was directed to evict the premises by 29.05.2019. Challenging the same, the petitioner has approached this Court by way of the present Writ Petitions.

3. The learned counsel for the petitioner would further submit that refixation would be done only once in three years and as such, the refixation before expiry of three years is bad in law.

4. The Learned Government Advocate for HR & CE, who takes notice for the respondents would submit that there is an alternative remedy for the petitioner and without availing the alternative remedy, he has approached this Court that too after a belated period of 15 months, which cannot be permitted.

5. Heard the learned counsel on either side and perused the materials available on record.

6. When this Court has put a specific question as to the reason for the delay, the learned counsel for the petitioner would submit that the petitioner preferred an appeal to the Government and the same is at maintainability stage. In a similar set of Writ Petition, viz., W.P.No.12216 of 2019 vide order dated 25.04.2019, this Court has dismissed the said Writ Petition with liberty to move the appellate authority as provided under the Law.

7. In such view of the matter and in the absence of positive explanation for the delay, also taking note of the huge amount of arrears, which runs to more than Rs.5,00,00/-, this Court is not inclined to entertain this Writ Petition

and hence the present Writ Petition is dismissed.
Consequently, connected miscellaneous petitions are closed.
No costs.

s/d-
Assistant Registrar (VO)

True Copy

Sub-Assistant Registrar

ssd

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Thamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai - 600 034
2. The Executive Officer, Shree Muthukumaraswamy Devasthanam
Hindu Religious and Charitable
Endowments,
Chennai - 600 003

+1 CC to The Spl. Govt. Pleader (HR & CE) sr 44330 & 44331.

W.P.Nos.14912 and 14918 of 2019
and W.M.P Nos.14884, 14887, 14892 and 14895 of 2019

MP (CO)
SP (27/05/2019)

सत्यमेव जयते

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