

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.15798 of 2018 and
W.M.P.Nos.18772 to 18774 of 2018

1. R.Saraswathy
2. R.Rajendran
3. R.Durga Balaji
4. R.Gomedhagavel
5. S.Renuka
6. M.Vaithyalingam
7. K.Veerasekar
8. R.Devanathan
9. M.Balu
- 10.M.Varalakshmi

.. Petitioners

..Vs..

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2. The Fit Person/Assistant Commissioner,
A/m. Thiru Arutprakasa Vallalar Deiva Nilayam,
Vadalur, Kurinjipadi Taluk,
Cuddalore District.

3. The Executive Officer,
A/m. Thiru Arutprakasa Vallalar Deiva Nilayam,
Vadalur, Kurinjipadi Taluk,
Cuddalore District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for entire records pertaining to the public auction notice, dated 13.06.2018 issued by the 2nd and 3rd Respondents and quash the same.

For Petitioners : Mr.V.Srikanth

For Respondents : Mr.M.Maharaja
Special Government Pleader

(for R1 and R2)
Mr.M.Selvam (for R3)

O R D E R

The petitioners seek protection from the Court, in view of the termination notice of the 2nd and 3rd respondents dated 15.05.2018, terminating the tenancy of the petitioners shops in Vallalar Commercial Complex, Thiru Arutprakasa Vallalar Deiva Nilayam, Vadalur Taluk, Cuddalore District.

2. They were the beneficiaries of the lease deed which was to expire on 30.06.2018. In the meantime, they have received a notice dated 15.05.2018 stating that they should vacate the premises, since all the shops required renovation/repairs.

3. Mr.V.Srikanth, learned counsel for the petitioners raised his grievance that while directing them to vacate on the ground that the shops required renovation /repair, the respondents appear to have taken a policy to auction the said shops once again. It is stated that this is highly unjustifiable since there is an option given to the 1st respondent to extend the period of lease, altering the terms with respect to the lease amount to be paid.

4. Mr.M.Maharaja, learned Special Government Pleader for R1 and R2 has drawn the attention of this Court that the petitioners, as lessees, cannot seek right to claim extension. It is stated that there is no discrimination against the petitioners. Be that as it may, I am not going into the details of the case. The petitioners having had the benefit of order of status quo from 28.06.2018, naturally, the 2nd and 3rd respondents have also been put to loss of rent and in this regard, during discussion before this Court, it transpired that the petitioners had independently given a representation to the 1st respondent on 28.09.2019, offering enhanced rent by 15% . They have sought directions from the 1st respondent in their favour to consider their request and to continue to be in occupation.

5. Upon hearing the views of Mr.M.Maharaja, learned Special Government Pleader for Hindu Religious and Charitable Endowment Department in this aspect, since as a fact the representation has been sent to the 1st respondent, the 1st respondent namely the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai is requested to dispose of the representation submitted by the petitioners by following

principles of natural justice, upon obtaining report from the 2nd and 3rd respondents relating to the maintenance of the shops of the petitioners, by taking into consideration the condition of the shops, the Commissioner should take a decision, within a period of three months from the date of receipt of a copy of this order.

6. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vum
To

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
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Chennai - 600 034.
2. The Fit Person/Assistant Commissioner,
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Cuddalore District.

+1cc to Mr.v.Srikanth , Advocate SR.No.100323
+1 cc to Government Pleader Sr.No. 100494

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A.SK(10/01/2020)