

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28273 of 2018
and
W.M.P.No.32971 of 2018

V.T.Somasundaram

... Petitioner

Vs.

1. The Commissioner,
H.R & C.E.,
Chennai.
 2. The Joint Commissioner,
H.R. & C.E.,
Thanjavur.
 3. The Executive Officer,
Sri Thyagaraja Swamy Thirukoil,
Thiruvarur.
 4. Abhisheka Kattalai of
Sri Thyagaraja Swamy Thirukoil,
rep. by its Velakurichi Adhina Karthar
Sri La Sri Sathyagana Mahadeva
Desiga Paramachariya Swamigal,
Thiruvarur
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take possession of the leasehold property in ward No.3, Block 20, T.S.No.726, measuring 21665 sq.ft., Vijayapuram, Thiruvarur Town, Thanjavur District, owned by Abhisheka Kattalai of Sri Thyagaraja Swamy Thirukoil, Thiruvarur.

For Petitioner : Mr. T.R.Rajagopal,
Senior Counsel,
for Mrs.P.Veenasuresh

For Respondents: Mr.M.Maharaja,
Special Government Pleader
HR & CE.

O R D E R

This writ petition has been filed seeking a direction to the respondents 2 and 3 to take possession of the leasehold property in Ward No.3, Block 20, T.S.No.726 measuring 21665 sq.ft., Vijayapuram, Thiruvavur Town, Thanjavur District, owned by Abhisheka Kattalai of Sri Thyagaraja Swamy Thirukoil, Thiruvavur.

2. According to the petitioner, the above mentioned property belongs to one Abhisheka Kattalai attached to Sri Thyagaraja Swamy Thirukovil, Thiruvavur. The above property was a vacant land, earlier it was leased out to the petitioner's father late V.S.Thyagaraja Mudaliar, and the rent was fixed at Rs.2160/- p.a. and the rent amount has been paid by the original lessee regularly without any default, and he has also put up a superstructure therein. In the year 1982, the original lessee V.S.Thyagaraja Mudaliar died. The petitioner, representing the Estate, continuously paid the lease amount till 2001. It is also stated that already the petitioner has paid a sum of Rs.32,88,087/- being the arrears of the lease amount and as on date, there are no arrears. Now, the above building is in a highly dilapidated condition and it has been mis-used by the local people. In the above circumstances, the petitioner wants to handover the leasehold property to the respondents 2 and 3 and sent several representations to them, but the representations were not considered. Hence, the present writ petition has been filed.

3. The learned Special Government Pleader (HR & CE), appearing for the respondents, on instructions, submitted that now the respondents 2 and 3 are ready and willing to accept the property and if at all there are any arrears of rent, the petitioner may be directed to pay the arrears.

4. The learned counsel appearing for the petitioner submitted that if at all any arrears of lease amount payable to the respondents, they may issue proper notice to the petitioner, and he is ready to pay the arrears.

5. Considering the fact that the respondents 2 and 3 are ready and willing to take possession of the property, the petitioner is directed to hand over the possession of the property to the third respondent/Executive Officer of the temple on 04.02.2019 and the third respondent is also directed to receive the key. If at all there are any arrears of rent payable, it is always open to the third respondent to issue proper notice to the parties for recovery of arrears. Mr.M.Maharaja, learned Special Government Pleader is directed to inform the third respondent to receive the key on 04.02.2019

without awaiting copy of this order.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
H.R & C.E.,
Chennai.
2. The Joint Commissioner,
H.R. & C.E.,
Thanjavur.
3. The Executive Officer,
Sri Thyagaraja Swamy Thirukoil,
Thiruvarur.

+1 CC to Spl. Govt. Pleader(HR & CE) sr 9417.
+1 CC to Mrs.P.Veenasuresh, Advocate sr 8601.

W.P.No.28273 of 2018

SVI (CO)
SP(14/02/2019)

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