

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.26669 of 2013

R.Suresh Kumar

.... Petitioner

Vs

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

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.

3. The Executive Officer,
Arulmighu Vadapalani Murugan Temple,
Vadapalani,
Chennai - 600 026.

4. H.K.M. Yaseen Moulana Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the claim of the petitioner dated 11.03.2013 and 20.03.2013 in seeking to grant lease in favour of the petitioner in respect of the shops bearing No.1, 2 & 3, measuring an extent of 1350 sq. ft. situated in Old No.18 and New No.14, Vadapalani Andavar Kovil Street, Vadapalani, Chennai.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.R.Venkatesan
for respondents 1 to 3

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 1 to 3 herein to consider the claim of the petitioner dated 11.03.2013 and 20.03.2013, seeking to grant lease in favour of the petitioner in respect of the shops bearing Nos.1, 2 & 3, measuring an extent of 1350 sq. ft. situated in Old No.18 and New No.14, Vadapalani Andavar Kovil Street, Vadapalani, Chennai.

2. It is the case of the petitioner that the petitioner is a sub-lessee under one Thanikachalam from 1979 onwards. According to him, he gave representations to respondents 1 to 3 on 11.03.2013 and 20.03.2013 seeking to be recognise him as a lessee. It is also the case of the petitioner that the 4th respondent has purchased the property pending the sub lease in favour of the petitioner from the legal heirs of the deceased Thanikachalam.

3. The first respondent vide his Proceedings in Na.Ka.No.16269 of 2013, dated 03.04.2013 directed the second respondent to take suitable action against the petitioner's representation. Subsequently, a letter has been communicated by the second respondent on 05.08.2013 stating that the petitioner's request to be recognised as tenant is under consideration.

4. Heard Mr.G.Arul Murugan, learned counsel for the petitioner and Mr.R.Venkatesan, learned counsel for the respondents 1 to 3.

5. This Court perused and examined the aforesaid Proceedings. Accordingly, this Court directs the respondents 1 to 3 to consider the petitioner's representations dated 11.03.2013 and 20.03.2013 seeking to recognise him as a tenant in respect of shops bearing Nos.1, 2 & 3, measuring an extent of 1350 sq. ft. situated at Old No.18 and New No.14, Vadapalani Andavar Kovil Street, Vadapalani, Chennai on merits and in accordance with law and pass final orders, after providing sufficient opportunity to the petitioner to put forward his case, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

vsi2

To

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

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.

3. The Executive Officer,
Arulmighu Vadapalani Murugan Temple,
Vadapalani,
Chennai - 600 026.

+1cc to Mr.G.Arul Murugan, Advocate SR.No.15337

+1cc to Government Pleader, High Court, Madras SR.No.15850

W.P. No.26669 of 2013

MR (CO)
GMY (18/03/2020)

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