

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.11520 of 2020

B.Sukumar

.. Petitioner

Vs.

1 The Commissioner,
HR and CE, No.110,
Uthamar Gandhi Road,
Chennai - 600034

2 The Executive Officer,
Siddhi Buddi Sundara Vinayagar,
No. 96, Demellows Road,
Pattalam Chennai - 600012.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent issued the order dated 26.09.2019 and quash the same and issue a consequential direction to the 2nd respondent comprised in the order dated 26.02.2019 in respect of Rent arrears in the temple property on the file of the 2nd respondent or any other appropriate writ order or direction in the nature of such writ directing the 2nd Respondent.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.R.Venkatesh,
Government Advocate

O R D E R

The petitioner is the erstwhile trustee of Siddhi Buddi Sundara Vinayagar Temple. This writ petition is filed more in the style of a Public Interest Litigation to ensure that the assets of the temple are safeguarded.

2. The petitioner has filed a representation seeking details of pending arrears of rent in respect of the temple properties that have been leased out under impugned order dated 26.09.2019. The Executive Officer/R2 of the temple has stated that there are no arrears in respect of the properties leased

out. Questioning this order, the petitioner has filed the instant writ petition.

3. This writ petition has to be allowed for the reason stated in the counter filed by R2, wherein the respondent categorically confirms the position that there had been substantial arrears as on date 31.08.2020, whereas, the impugned order states that the arrears and rents are being collected properly. This is clearly incorrect.

4. As per the counter, there are arrears that are due from three out of the six lessees as there is thus a direction issued to R2 to take action forthwith in line with the provisions of the HR&CE Act to collect the arrears of rent. He will also verify and ensure that the lease arrangements are in line with the provisions of Section 34 of the Act and thereafter take action in accordance with law.

5. This writ petition is allowed in the aforesaid terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ska/vs

To

- 1 The Commissioner,
HR and CE, No.110,
Uthamar Gandhi Road,
Chennai - 600034
- 2 The Executive Officer,
Siddhi Buddi Sundara Vinayagar,
No. 96, Demellows Road,
Pattalam Chennai - 600012.

W.P. No.11520 of 2020

RGN (CO)

GN (22/02/2021)