



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1685 of 2021
and C.M.P.No.10709 of 2021

R.Sathyamoorthy

.. Appellant

Vs

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

2.The Joint Commissioner(Joint Administration)
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.

3.Arulmigu Srinivasa Perumal Temple,
Rep. by its Executive Officer,
L.N.P.Kovil Street,
Egmore, Chennai - 600 008.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 08.04.2021 made in W.P.No.7653 of 2011.

Prayer in WP.No.7653 of 2011: Writ Petition filed under Article 226 of the constitution of India prayign to issue writ of certiorari calling for the records of the 1st respondent in his proceedings in N.K.NO.69499/07/R2 dated 28.07.2008 and quash the same.

For Appellant	:	Mr.J.T.Rajasuriya
For Respondents	:	Mr.S.Arumugam Government Counsel (HR&CE)

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This case has got a chequered history. The appellant's father was proceeded against by filing suit in O.S.No.7572 of 1981 for recovery of possession, which was decreed years back.



2. On the request of the appellant, an effort was made to resolve the dispute. However, the proposal was modified by the communication of the Commissioner in Na.Ka.No.69499/2007 dated 02.05.2008. Even this proposal has not been given effect to. At that stage, the appellant filed a writ petition in W.P.No.21168 of 2008 seeking a writ of mandamus directing the respondents to implement the decision of the first respondent dated 02.05.2008. This was dismissed on 28.08.2008.

3. W.P.No.27508 of 2009 has been again filed by the appellant seeking a writ of mandamus directing the respondents to consider the representation made. This writ petition was also dismissed inter alia holding that inasmuch as there is no lease agreement in favour of the appellant and the suit having attained finality, the respondents decided to proceed further. The appellant has got no legal right to seek renewal of the lease.

4. Not satisfied with the aforesaid dismissal of the writ petition, the appellant filed one more writ petition in W.P.No.7653 of 2011, surprisingly laying a challenge to the communication sent by the Commissioner of HR&CE to the Office of the Government Pleader. This was dismissed by the learned Single Judge by taking note of all the earlier proceedings. Challenging the aforesaid order, the present writ appeal has been filed before us.

5. Learned counsel appearing for the appellant once again reiterated the earlier proceedings by which the proposal was initiated and proceeded thereafter to a certain extent towards grant of tenancy in favour of the appellant.

6. We are at a loss to understand as to how the present writ petition which is under challenge before us is maintainable. The appellant has suppressed the dismissal of the earlier writ petition in W.P.No.21168 of 2008 which was filed to implement the order of the first respondent dated 02.05.2008. In fact, even now, this is a sheet anchor of the appellant's case. The subsequent writ petition filed was also dismissed.

7. Though the writ petition challenging the communication sent by the first respondent to the office of the Government Pleader is not maintainable, the learned single Judge taking note of the aforesaid facts, passed the order.

8. We do not wish to say anything more as the facts narrated above speak for themselves. However, we refrain ourselves from imposing costs.



9. With the above observation, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Special Commissioner & Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner(Joint Administration)
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
- 3.The Executive Officer,
Arulmigu Srinivasa Perumal Temple,
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W.A.No.1685 of 2021

PCH(CO)
CB(13/08/2021)