



WEB COPY



W.P. No. 22294 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 22294 of 2014

and

M.P. No. 1 of 2014

B.Rani

... Petitioner

-VS-

The Executive Officer
Arulmigu Thiruvalleeswarar Thirukoil
Padi, Chennai - 600 050.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Notice dated 25.07.2014 issued by the Respondent and quash the same and direct the Respondent allow the Petitioner to continue in the Petitioner's premises i.e. No. 214, Devar Nagar, Padi, Chennai - 600 050.

For Petitioner : Mr. S.Ilamvaludhi

For Respondent : Mr. R.Mahalingam



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ORDER

Heard Mr. S.Ilamvaludhi, Learned Counsel for the Petitioner and Mr. R.Mahalingam, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The husband of the Petitioner, viz., Balasundaram, was in occupation on lease of the property bearing No. 214, Devar Nagar, Padi, Chennai - 600050, belonging to the Temple of the Respondent. The said Balasundaram died on 04.10.2007, but the Respondent had issued a notice dated 25.07.2014 to him terminating the lease of that property. The Writ Petition has been filed challenging the said notice terminating the lease contending that it has been passed in the name of a dead person and for allowing the Petitioner to continue to reside in that property.

3. There is considerable force in the contention of the Petitioner that the impugned order in the name of a dead person is nullity, but it would not preclude the Respondent from taking any further action in respect of the property against the persons, who are in occupation (including the Petitioner) in accordance with



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law. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

4. In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

07.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 21.11.2022.

To

The Executive Officer
Arulmigu Thiruvalléeswarar Thirukoil
Padi, Chennai - 600 050.



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P.D. AUDIKESAVALU, J.

Maya

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