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Writ Petition No.34501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.34501 of 2022

a n d

W.M.P.No.33952 of 2022

G. Baskaran

...

Petitioner

Vs

1. The Commissioner
Hindu Religious & Charitable Endowment Department
(Administration)
Chennai 600 034.
2. The Joint Commissioner
Hindu Religious & Charitable Endowment Department
(Administration)
Chennai 600 034.
3. The Fit Person/The Assistant Commissioner
Sri Kandasamy Temple Vasantha Mandapa
Charitable Trust
90 Nainiappa Naciken Street
Park Town
Chennai 600 003.
4. Harish Gupta

...

Respondents.



Writ Petition No.34501 of 2022

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the dated 25/2/2022 issued in the name of the fourth respondent by the third respondent and notice dated 10/6/2019 of the third respondent in the name of the fourth respondent, quash the same and consequently, direct the respondents 1 to 3 to transfer the lease and fix the fair rent in respect of the premises in Door No.92-93 Nainiappa Naicker Street, Park Town, Chennai 600 003.

For Petitioner	...	Mr.AL.Ganthimathi
For respondents	...	Mr.N.R.R.Arun Natarajan Special Government Pleader (HR & CE) for R.R.1 to 3.

ORDER

This writ petition has been filed to quash the order, dated 25/2/2022 issued by the third respondent and notice, dated 10/6/2019 of the third respondent and consequently, direct the respondents 1 to 3 to transfer the lease and fix the fair rent in respect of the premises in Door No.92-93 Nainiappa Naicker Street, Park Town, Chennai 600 003.

2. The only apprehension of the writ petitioner is that he may be evicted during pendency of 78 (1) proceedings.



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3. Heard Ms.AL.Ganthimathi, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the respondents 1 to 3.

4. Learned counsel appearing for the petitioner submitted that pursuant to the demand notice, they had paid Rs.30 lakhs, whereas Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) submitted that they had paid Rs.25 lakhs only and the petitioner is appearing before the Joint Commissioner and the next date of hearing is fixed on 26/12/2022.

5. Learned counsel appearing for the petitioner submitted that they also agreed to pay the monthly rent.

6. In such a view of the matter, as the petitioner himself had agreed to pay the amount, the petitioner may canvass all the points before the Joint Commissioner, HR & CE. Till such time, till the Joint Commissioner, HR & CE, decides the issue, there shall not be any eviction.



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N. SATHISH KUMAR, J

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mvs.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

23/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

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