



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.4897 of 2022

Udhayakumar

... Petitioner

/vs./

The Executive Officer,
Arulmigu Sarangapani Temple,
Kumbakonam Town and Taluk,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the explanation offered by the petitioner on 14.03.2022 in response to the show cause notice issued by the respondent dated 07.03.2022 and further direct the respondent not to evict the petitioner from the premises in T.S.No.1577 admeasuring to an extent 7314.08 sq.ft. situated at No.19, Vijayendra Swami Mutt Street, Kumbakonam till the respondent passed appropriate orders on the petitioner's explanation dated 14.03.2022.

For Petitioner : Mr.D.R.Murugesan
For Respondent : Mr.V.Chandrasekar

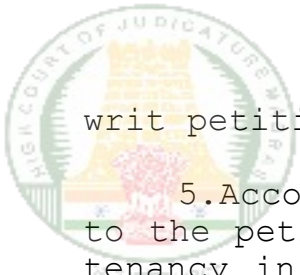
ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondent to consider the explanation offered by the petitioner on 14.03.2022 in response to the show cause notice issued by the respondent dated 07.03.2022 and further to direct the respondent not to evict the petitioner from the premises in T.S.No.1577 admeasuring to an extent 7314.08 sq.ft. situated at No.19, Vijayendra Swami Mutt Street, Kumbakonam.

2.The petitioner appears to be a sub-tenant of the original lessee/tenant, namely, V.Jeyalakshmi. It appears that the original tenant, V.Jeyalakshmi is in arrears of rent payable to the respondent temple.

3.The learned counsel for the respondent temple submits that the total arrears as on date amounts to Rs.7,91,200/-.

4.The petitioner has no locus standi to maintain this writ petition as the petitioner is not a tenant. Therefore, no mandamus can be issued. In any event, since the petitioner case is that the property was subleased to the petitioner by the original tenant, V.Jeyalakshmi, it is for the petitioner to make appropriate application before the authority concerned for regularizing the petitioner as a tenant. The petitioner cannot step into the issues of the original lessee/tenant. Therefore, there is no merits in this



writ petition.

5. Accordingly, this writ petition stands dismissed with liberty to the petitioner to file appropriate application for attorning the tenancy in favour of the petitioner. The petitioner is directed to clear the arrears of amount due for the use and occupation of the property. The respondent temple may communicate in writing the details of arrears of rent due on the property to the petitioner within a period of 15 days from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mm

To

The Executive Officer,
Arulmigu Sarangapani Temple,
Kumbakonam Town and Taluk,
Thanjavur District.

+1 CC to M/s.V.CHANDRASEKAR, Advocate (SR-13241[F] dated 21/03/2022

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21.03.2022

NSN(CO)

KB(06.04.2022) 2P 3C