



W.P(MD)No.9490 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9490 of 2015

Shanthakumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Kovil,
Mannachanallur Taluk,
Tiruchirapalli District.

3.Idol of Arulmigu Jambukeswarar
Akilandeswari Devasthanam,
Thiruvanaikovil,
Tiruchirapalli,
Represented by its Executive Officer,
Thiruvanaikovil,
Tiruchirapalli.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 25.12.2014.

For Petitioner : Mr.G.S.Asok Adhithyan

For R-1 & R-2 : Mr.A.Baskaran
Additional Government Pleader

For R-3 : Mr.T.Antony Arul Raj

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 25.12.2014, for extension of lease for a building.

2. According to the learned Counsel for the petitioner, the petitioner's family is in occupation of the building for more than hundred years and the same belongs to the third respondent Temple. Since the lease period has expired, they have approached the third respondent for extension of the lease. Since the said representation was not considered by the third respondent herein, the present writ petition has been filed.



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3. According to the learned Counsel appearing for the third respondent, Temple has already filed O.S.No.609 of 2003 as against the writ petitioner for recovery of possession and the said suit was decreed in favour of the Temple on 29.06.2009, granting liberty to the tenant to apply to the Temple for a fresh lease. This decree was challenged by the tenant in A.S.No.200 of 2009 before the I Additional Subordinate Court, Tiruchirapalli. The learned Subordinate Judge confirmed the recovery of possession decree passed by the trial Court. But again granted liberty to the tenant to approach the Temple for extension of lease. The first appeal was disposed of on 31.10.2013. In view of the observations made by the trial Court as well as by the Appellate Court, the tenant has presented the present representation on 25.12.2014 to the third respondent herein for extension of lease.

4. The learned Counsel for the third respondent Temple has further pointed out that execution proceedings in E.P.No.98 of 2019 have been filed and delivery has been ordered on 22.09.2022 and for recording delivery it is posted on 20.10.2022.



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5. In view of the above said facts, the third respondent being the landlord and the petitioner being the tenant, it is always the liberty of the landlord to consider the representation of the petitioner for extension of lease. In view of the same, the third respondent is directed to consider the representation of the petitioner, dated 25.12.2014 and pass orders within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

30.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Kovil,
Manachanallur Taluk,
Tiruchirapalli District.



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R.VIJAYAKUMAR, J.

btr

3.The Executive Officer,
Idol of Arulmigu Jambukeswarar
Akilandeswari Devasthanam,
Thiruvanaikovil,
Tiruchirapalli.

Order made in
W.P(MD)No.9490 of 2015

30.09.2022