



W.P.(MD)No.26191 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26191 of 2022

and

W.M.P.(MD)No.20363 of 2022

N.Muniyandi

.. Petitioner

Vs.

- 1.The Joint Commissioner,
HR & CE,
Sambandhar Sannathi Street,
Mayiladuthurai District.
- 2.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 3.The Thasildar,
Kumbakonam Taluk,
Thanjavur District.
- 4.Arulmigu Nageswara Swami Thirukovil,
Kumbakonam Nagar and Vattam,
Kumbakonam, Thanjavur District
Rep by its Executive Officer.
- 5.Vijayarani
- 6.Manimegalai
- 7.Rajeswari

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying
for issuance of a Writ of Certiorari and Mandamus, to call for the records



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pertaining to the impugned order dated 21.06.2022 in Na.Ka.No.234-2022 A4 issued by the second respondent herein and to quash the same as illegal and direct the fourth respondent to consider the renewal of tenancy application of the petitioner dated 03.06.2022.

For Petitioner : Mr.S.Chamundi Bose
For R1 : Mr.P.Subburaj
Special Government Pleader
For R2 & R3 : Mr.K.Christy Theboral
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, seeking to quash the impugned order dated 21.06.2022 in Na.Ka.No.234-2022 A4 issued by the second respondent herein and to direct the fourth respondent to consider the renewal of tenancy application of the petitioner, dated 03.06.2022

2.Heard Mr.S.Chamundi Bose, learned counsel for the petitioner and Mr.P.Subburaj, learned Special Government Pleader and Mr.K.Christy Theboral, learned Additional Government Pleader, who take notice for the respective respondents. Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 4 to 7 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



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WEB COPY 3. The grievance of the petitioner is that the petitioner is the tenant in the subject property. His rental agreement period is over by 30.06.2022. He sought extension of the same.

4. The learned counsel for the petitioner submitted that the petitioner was a tenant under the fourth respondent. While the rental agreement was in force, there was a dispute arose between the petitioner and his brothers and the private respondents 5 to 7, who are the wives of the petitioner's brothers. Hence, the petitioner filed CrI.O.P.(MD)No.16008 of 2021 seeking protection before this Court. This Court directed the parties to appear before the peace committee meeting and redress their grievance. In the peace committee meeting, it was expressed on the side of the Temple that the Temple is willing to let out the property on rent to any one of legal heirs of the petitioner's father with the consent of all the legal heirs. Thereafter, on 21.06.2022, the impugned order has been passed stating that with the consent of the all the legal heirs, the property will be let out to any one of the legal heirs of the petitioner's father or else proceedings under Section 78 of the HR & CE Act, 1959 will be initiated.



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5.The fifth to sixth respondents are claiming right over the property, despite the fact that it is only a rented property. Based on the said claim, the temple has passed the impugned order, even though there was a rental agreement in the name of the petitioner. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

6.The learned Additional Government Pleader appearing for the second respondent submitted that the Temple is ready to let out the property to any one of the legal heirs of the petitioner's father with the consent of all other legal heirs. But the petitioner and his brothers are not willing to submit the consent letter, as all of them want to hold the rental place. If the consent letter of the other brothers is given to any one of the legal heirs of the petitioner's father, the same will be considered positively.

7.Admittedly, the petition mentioned property is the rental property, let out to the petitioner's father. After his demise, the rental agreement was transferred in the name of the petitioner. The rental agreement expired on 30.06.2022. Now the private respondents 5 to 7, who are the wives of the petitioner's brothers are also claiming right over the property, thereby the dispute arose between them. Hence, the authorities concerned has rightly asked the petitioner to grant a consent letter from them. A peace committee



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meeting was also convened for this purpose. But the same did not succeed.

Hence, the authorities has rightly passed the impugned order.

8.For the forgoing reasons, the request of the petitioner cannot be accepted at this stage. The petitioner is directed to approach the authorities concerned by complying with the directions issued in the impugned order. Thereafter, the authorities concerned are directed to proceed with the same in accordance with law.

9.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

1.The Joint Commissioner,
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2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

3.The Thasildar,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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