

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.14863 of 2023

V.Radhakrishnan

... Petitioner

Vs.

1.Union of India Represented by General Manager,
Southern Railway,
Permanent Way,
Tiruvottriyur,
Chennai-600 019.

2.The Senior Section Engineer,
Southern Railway,
Permanent Way,
Tiruvottriyur,
Chennai-600 019.

3.The Assistant Commissioner,
Arulmigu Thiyagraya Eeswarar Devasthanam,
Tiruvottriyur,
Chennai-600 019.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider and pass orders on the representation dated 06.10.2021 made by the petitioner claiming damages at Rs.45,00,000/-.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents-1 and 2 : Mr.R.Sidharth,
Central Government Counsel.

For Respondent-3 : Mr.K.Karthikeyan,
Government Advocate.

ORDER

The Writ of Mandamus has been instituted to direct the third respondent to consider and pass orders on the representation submitted by the petitioner on 06.10.2022 claiming damages at Rs.45 lakhs.

2. The petitioner states that the third respondent Arulmighu Thiyaagraya Eeswarar Devasthanam entered into an Agreement of Lease under registered Lease Deed dated 26.04.1990 with the petitioner leasing

out 1200 sq. ft., vacant site as per registered Document No.2109/1990 within Sub Registrar Office, Tiruvottriyur.

3. Pursuant to the Agreement of Lease, permission was granted by the Temple Authorities to the petitioner to put up constructions. The petitioner constructed small houses in the vacant land and sub let the houses to the third parties. The petitioner has received monthly rent from the sublet Lessees and nine tenants were in occupation of the premises.

4. The lease was granted for a period of five years and thereafter, it was not extended. The petitioner continued to be in occupation and continued to sublet the premises to various third parties.

5. The learned Government Advocate appearing on behalf of the Hindu Religious and Charitable Endowments Department made a submission that the subject property was acquired by the Indian Railways for expansion of Railway Projects.

6. The acquisition proceedings commenced and an Award was

passed. However, the compensation is yet to be settled in favour of the third respondent-Temple. Therefore, the case of the petitioner that the third respondent is not the owner of the property is incorrect and the third respondent-Temple is the owner of the property and the land was acquired by the Indian Railways for the purpose of expansion of the Railway Projects. Thus the very claim set out by the writ petitioner is untenable. More-so, the petitioner was a Lessee for a period of five years from the year 1990 to 1995 and in violation of the lease conditions, he sub let the properties in favour of the third parties.

7. For all the above reasons, the petitioner is not entitled to claim any relief either against the third respondent-Temple or against the respondents 1 and 2.

8. It is brought to the notice of this Court that the petitioner is a defaulter in payment of rent.

9. That being the case, the third respondent-Temple is at liberty to institute an appropriate proceedings for recovery of arrears of rent by

following the procedures contemplated under the Hindu Religious and Charitable Endowments Act.

10. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

05-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.

Svn

To

- 1.The General Manager,
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Southern Railway,
Permanent Way,
Tiruvottriyur,
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