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W.P.No.15637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.No.15637 of 2023
and W.M.P. No.15129 of 2023

M.Sumathi

..Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of HR & CE,
Fort St. George, Chennai 600009.

2.The Commissioner,
Department of HR & CE,
Nungambakkam, Chennai 600034.

3.The Joint Commissioner,
Department of HR & CE,
Mylapore, Chennai 600004.

4.The Executive Officer,
Arulmigu Karaneeswarar Thirukoil,
Saidapet, Chennai 600015.

5.D.Rajasekaran

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to allot the premises at No.92/2, K.P.Koil Street, Saidapet, Chennai 600015, in favour of the petitioner enabling her to run the shop in the name and style of Bhoopathy News Mart, for which the petitioner has sent representation to the respondents 1 to 4 on 20.03.2023.



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For Petitioner : Mr.J.William Shakesphere

For Respondents : Mr.N.R.R.Arun Natarajan,
Spl. Govt. Pleader for
R1 to R4

ORDER

The fifth respondent herein, had filed a petition before the Commissioner H.R. And C.E. Department in RC No.46944/2022/D2 and by an order dated 26.10.2022, tenancy was granted on the following conditions:

"1. The petitioner is directed to deposit Rs.10,00,000/- (Rupees Ten Lakhs only) within 15 days from the date of receipt of this order.

2. Upon proof of payment of the above amount, the Assistant Commissioner, Chennai, is directed to

de-seal the property in accordance with law and hand over the same to the petitioner.

3. The respondent temple should re-fix the fair rent with effect from 01.07.2016, 01.07.2019 & 01.07.2022 as per the guidelines issued in G.O.(Ms) No.353 dated 04.06.1999, G.O.(Ms) No.456 dated 09.11.2007 and G.O.(Ms) No.298 dated 20.07.2010, and the instruction issued in Rc.No.4551/2022/M2, dated 10.03.2022, whichever is applicable, and communicate the same to the Petitioner along with the calculation sheet and details of arrears within 15 days from the date of receipt of this order.

4. The petitioner may file his objections, if any, only with regard to the value of the property or usage and area of the property, within 15 days from the date of receipt of this order, before the respondent temple.

5. If any objection received, the respondent temple is directed to consider the objections,



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only with regard to the value of the property or usage and extent of area of the property, and pass orders within 15 days from the date of receipt of the objections from the Petitioner. If no objection is received from the Petitioner herein, it is deemed that he has no objection whatsoever.

6. The balance of rental arrears in 06 equal installments.

7. The rent paid in excess based on the earlier fixation, if any, shall be adjusted against the future payments.

8. The Petitioner should not sub-let the property either for residential or commercial purposes.

9. The Petitioner should follow the custom and usage of the respondent temple, and should not carry out any activity adverse to the temple.

10. If the Petitioner violates any one of the above conditions, it is open to the Respondent temple to initiate action to vacate the Petitioner and restore the property, in accordance with law as it may deem fit and proper.

11. If the Petitioner fails to settle the arrears, action shall be initiated under Section 70-C of the Act."

2. The petitioner termed therein is the fifth respondent herein. It is stated by the learned Special Government Pleader for H.R. and C.E. Department that the fifth respondent had deposited a sum of Rs.10 lakhs and out of six instalments aforementioned, he had also paid three instalments and fair rent had also been fixed.

3. Learned counsel for the petitioner claims that the



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petitioner has been running a shop for a quite number of years.

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4. When there was a specific direction against the fifth respondent that he should not sublet the premises, the claim of the petitioner cannot be acceded to by this Court. Further by order in RC No.46944/2022/D2, the fifth respondent has been recognized as tenant.

5. In view of the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.05.2023

Index: Yes/No
Neutral Citation: Yes/No
mmi/kmk



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To

- 1.The Secretary to Government,
Department of HR & CE,
Fort St. George, Chennai 600009.
- 2.The Commissioner,
Department of HR & CE,
Nungambakkam, Chennai 600034.
- 3.The Joint Commissioner,
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