



W.M.P.No.20786 of 2023

W.M.P.No.20786 of 2023 in
Rev.Aplw.SR.No.79125 of 2023 in
W.P.No.1327 of 2019

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R. MAHADEVAN, J.
AND
V.LAKSHMINARAYANAN, J.

(Order of the Court was made by R.Mahadevan, J.)

This petition has been filed by the petitioner / third party seeking leave to file a review application against the order dated 23.04.2023 in W.P.No.1327 of 2019.

2.It is averred in the affidavit filed in support of this petition that the property in T.S.No.48, Plot No.10, Door No.10, Parasuraman Easwarar Koil West Mada Street, Ayanavaram, Chennai 23, belongs to the sixth respondent temple. The petitioner had become the tenant under the temple in the year 1992; initially, she had paid a rent of Rs.12/ per month and thereafter it was enhanced to Rs.6141/- per month. Whiles, section 78 proceedings have been initiated to evict the petitioner from the temple property, however, no coercive action has been taken against her, since she is regularly paying the rent. Thereafter, civil suit was filed by the temple authorities for mandatory injunction and the same was decreed on 02.12.2022. Apprehending the eviction action, the petitioner



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approached the officials of the HR&CE department and requested to withdraw the eviction proceedings and not to press the decree passed in the civil suit, stating that she would pay the entire arrears of rent and also continue to pay the future rent as fixed by the authorities, without any default. Accordingly, she paid a sum of Rs.36 lakhs and is regularly paying the monthly rent at Rs.29,000/- to the temple authorities. In the mean while, the petitioner came to know that the first respondent filed WP.No.1327 of 2019 seeking a direction to the respondent authorities for demolition of the building unauthorisedly construction by the petitioner herein in the subject property and the said writ petition was disposed of on 23.04.2023. Therefore, this miscellaneous petition.

3.The learned counsel for the petitioner herein submitted that without impleading the petitioner herein, the first respondent / writ petitioner had filed the aforesaid writ petition and obtained the adverse order against the petitioner herein, projecting him as an encroacher of the subject property. On the other hand, according to the learned counsel, the petitioner herein is a tenant and she had paid the entire rental arrears and is regularly paying the enhanced rent without any default and therefore, she sought leave of this court to file an application to review the order passed by this court in this writ petition.



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4. Considering the reasons stated in the affidavit filed in support of this petition and being satisfied with the same, this Court is inclined to grant leave to the petitioner. Accordingly, this petition is ordered as prayed for.

[R.M.D., J.] [V.L.N., J.]
28.07.2023

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*Note: The Registry is directed to number the
Review Application, if it is otherwise in order.*



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