



W.P. (MD) No. 27562 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No. 27562 of 2022

M.Dhanalakshmi

... Petitioner

-VS-

The Assistant Commissioner/Executive Officer,
Arulmigu Kallalagar Temple,
Alagar Kovil,
Melur Taluk, Madurai.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the Respondent to consider the Petitioner's representation dated 24.08.2022 and pass suitable order by directing the Respondent to enter the Petitioner's name M.Dhanalakshmi as a tenant for the house bearing Door No.333/27Q in the tenancy register maintained by the Respondent within time frame fixed by this Court.

For Petitioner : Mr. K.Jagadeesan

For Respondent : Mr. K.R.Laxman



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ORDER

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Heard Mr. Jagadeesan, Learned Counsel for the Petitioner and Mr. K.R.Laxman, Learned Counsel for the Second Respondent and, perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that her father, viz., Nallan, was occupying the property at No. 333/27Q, Jappani Kovil Street, Mathichiam, Madurai District, as tenant and after his death on 31.03.2007, the Petitioner has been in occupation of the said premises as his legal heir and had made a representation dated 24.08.2022 for changing the tenancy in her favour, but as it did not evoke any response, she has filed the present Writ Petition.

3. This Court during the earlier hearing on 21.12.2022 had passed the following self-explanatory order:-

“ Learned Counsel for the Respondents, on instructions, states that the rent for the period from 01.07.2016 to 30.11.2022 at the rate of Rs. 1,554/- per month works out to Rs. 1,19,658/- in respect of which the Petitioner has so far paid Rs. 55,107/- and the remaining amount of Rs. 64,551/- has to be paid by him for that period.



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2. *In view of the same, Learned Counsel for the Petitioner states that the said arrears will be paid in two installments, and the first installment of Rs. 35,000/- would be paid by 15.01.2023 and the balance amount due till 31.01.2023 would be paid by 15.02.2023 and that thereafter necessary order on the representation made by the Petitioner for regularization of lease may be passed by the Respondent.*

Post the matter on 23.01.2023.”

It has been brought to notice that in furtherance to the said order, the Petitioner has paid the entire arrears of Rs. 64,551/- installments of Rs. 34,551/- on 28.12.2022 and the remaining sum of Rs. 30,000/- on 15.02.2023 and she had made a fresh representation dated 27.02.2023 to the Respondent for changing the tenancy in her favour.

4. It is represented by Learned Counsel for the Petitioner that in view of the aforesaid subsequent events, the Petitioner would be satisfied if her representation dated 27.02.2023 is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.



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5. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 27.02.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.09.2023 under written acknowledgment;
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

28.02.2023

PKN

Index : Yes/No

Internet : Yes/No

Note: Issue order copy on 05.07.2023.

To

The Assistant Commissioner/Executive Officer,
Arulmigu Kallalagar Temple,
Alagar Kovil,
Melur Taluk, Madurai.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



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P.D.AUDIKEVALU,J.

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