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WP.No.10813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10813 of 2024

Dr.K.Raghavendhar Karthik

.. Petitioner

Versus

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Park Town, Chennai-600 003.
2. The Executive Engineer
Zone 10, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam, Chennai-600 024.
3. The Zonal Officer
Zone 10, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam, Chennai-600 024.
4. The Area Engineer
Greater Chennai Corporation Division
142, No.2/12, West Jones Road, West Saidapet
Chennai-600 015.
5. Sri Prasanna Venkata Narasimma Perumal Temple
Rep. by its Managing Trustees
Thiru.A.Madanagopal Chettiar
Perumal Koil Street, West Saidapet, Chennai - 600 015.
6. The Commissioner, HR and CE Board
Nungambakkam High Road
Chennai-34.



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7. The Sub Registrar (Joint II)
Saidapet, Chennai-600 015.

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 7th respondent to register the lease deed already furnished on 03.11.2023 at the earliest.

For Petitioner : Mr.A.Muthu Kumar, Senior Counsel
for T.G.Balachandran

For Respondents : Mrs.P.T.Ramadevi for R1 to R4
Mr.L.Damodharan for R5
Mr.K.Karthikeyan for R6
Government Advocate (HR & CE)
Mr.Yogesh Kannadasan for R7
Special Government Pleader

ORDER

This writ petition has been filed for a direction, directing the 7th respondent to register the lease deed already furnished on 03.11.2023 at the earliest.

2. It is the grievance of the writ petitioner that the 5th respondent has executed a lease deed for a period of 3 years. When the lease deed was presented for registration, the same has not been registered, kept pending and directed the petitioner to obtain a No Objection Certificate from the 6th respondent.



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3. According to the learned counsel for the petitioner as the lease deed is below the period of three years, no permission is required under Section 34 of The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4. The learned counsel for the 5th respondent submitted that as the temple is a denomination temple, resolution is passed and as the lease is only for a period of 3 years, the question of obtaining under Section 34 of the Act does not arise at all.

5. The learned Government Advocate (HR & CE) appearing for the 6th respondent submitted that lease deed has been produced without following the market value as per Section 34-A of the Act. Therefore, it is the violation of the Act.

6. Heard both sides and perused the materials placed on record. With the consent of both parties, this writ petition is taken up for final disposal.

7. At the outset, this Court is of the view that the lease is between the petitioner and the denomination temple. The petitioner and the 5th respondent



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temple has agreed to certain terms and the period of lease is below three years, therefore, permission mandated under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is not required from the Joint Commissioner. If at all the 6th respondent/Board has any grievance with regard to the rent, first fair rent must be fixed under Section 34-A of the Act by the Commissioner. Therefore, without fixing the fair rent by the authorities, now the registration cannot be stalled. If at all the the sixth respondent wants to fix the fair rent, it is for them to act as per law, particularly, taking note of the fact that the temple is a denomination temple.

8. Such view of the matter, there shall be a direction to the Sub Registrar to register the document within a period of 7 days from the date of receipt of a copy of this Order. Accordingly, this writ petition stands disposed of. No costs.

26.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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