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W.P.No.34951 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34951 of 2019
and WMP.No.35736 of 2019

A.Mumtaj

..... Petitioner

Vs.

The Executive Officer,
Arulmigu Thiruvalleeswarar Thiru Koil,
Padi, Chennai – 600 050.

..... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected with the Notice dated 21.11.2019 issued by the respondent and quash the same and direct the respondent allow her to continue in her premises i.e. No.207, Anna Street, Devar Nagar, Padi, Chennai – 600 050.

For Petitioners : Mr.S.Ilamvaludhi

For Respondents :Mr.S.Surya
for M/s.A.S.Kailasam Associates



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ORDER

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The petitioner herein filed a writ petition challenging the notice issued by the respondent to surrender the possession of Plot No.207, comprised in S.No.295, Anna Street, Devar Nagar, Padi, Chennai – 600 050.

2. It is the case of the petitioner that she has been in possession and enjoyment of the above mentioned property by putting up superstructure in the year 1974. However, the respondent has not taken any steps to execute a lease deed in favour of the petitioner. However, it is stated by the petitioner, she paid rent to the respondent and produced two receipts dated 04.06.1997 and 05.06.1997.

3. The learned counsel for the respondent would submit that the amount paid by the petitioner in the year 1997 was received by the respondent's temple towards damages for occupation but not as a rent and hence, the petitioner cannot be treated as a tenant of the respondent temple. It is further stated by the learned counsel for the respondent that the



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petitioner is in unauthorised occupation of the temple land. The impugned notice was issued to her asking to surrender the property.

4. It is not in dispute, the petitioner has been in possession and enjoyment of the subject property for quite long. However, the petitioner has not produced any document to show her lawful possession over the subject property. In such circumstances, the petitioner is directed to submit a fresh representation before the Jurisdictional Joint Commissioner, seeking regularization of her occupation in the subject property belonging to the respondent temple, within a period of two weeks from the date of receipt of copy of this order. If any such representation is made, the same shall be considered by the Jurisdictional Joint Commissioner and final orders shall be passed in accordance with law within a period of eight weeks from the date of receipt of such representation.

5. Accordingly, this writ petition is disposed of. Registry is



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directed to mark the copy of this order to the Joint Commissioner – I ,
Chennai. No costs. Consequently, connected miscellaneous petition is
closed.

19.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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1.The Executive Officer,
Arulmigu Thiruvalleeswarar Thiru Koil,
Padi, Chennai – 600 050.

2.The Joint Commissioner – I ,
HR and CE,
EVK Sampath Building,
DPI Campus, Egmore,
Chennai – 600 006.



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S.SOUNTHAR, J.

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