



W.P.No.37555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37555 of 2024

Shardadevi Agarvel

... Petitioner

Vs.

1. The Commissioner,
No.19, Uthamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai 600 034.

2. The Assistant Commissioner,
No.19, Uthamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai 600 034.

3. The Executive Officer,
Arulmigu Ekambareswar Temple,
Poonga Nagar, Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 29.12.2022 within a time frame as fixed by this Court and consequently direct the respondents to allot the petitioner a shop in newly constructed building



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in door No.355, survey No.8230, Block No.71 in Mint Street, Chennai

-3 or in any other respondents building in the same locality.

For petitioner : Mr. Meiyappan Mohan

For respondents : Mr.K.Karthikeyan

Government Advocate

ORDER

The petitioner herein seeks a direction to the third respondent to consider her representation dated 29.12.2022 , within a time frame fixed by this court.

2. It is the case of the petitioner that her father in law and her husband were tenants in the building belongs to the third respondent temple situated at Door No.355, survey No.8230, Block No.71, Mint Street, Chennai-3. After death of petitioner's father in law and her husband, the petitioner enjoyed the said property. Now, the third respondent decided to demolish the building and to reconstruct the same. To enable the third respondent to demolish and reconstruction, the petitioner vacated the premises. Thereafter, the petitioner submitted a representation to the third respondent seeking allotment of shop in



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the new building to be built in the same locality. The said representation was not considered by the third respondent. Therefore, the petitioner has come before this court.

3. Mr.K.Karthikeyan, learned Government Advocate, who takes notice for the respondents 1 to 3 would submit that under the Buildings (lease of immovable Property) Rules 1963, there is no enabling provision to consider the request of the erstwhile tenant to allot a shop on priority basis.

4. Since, there is no enabling provision in the rules empowering the third respondent to allot a shop in the new building on priority basis to the erstwhile tenant, this court is not inclined to direct the third respondent to consider the representation of the petitioner. It is needless to say that the shops in the new building can be allotted only as per the provisions of the above said Rules, by conducting open auction and the petitioner is entitled to participate in the open auction to be conducted for the newly constructed shop.



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5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

12.12.2024.

Index : Yes / No
Internet : Yes / No
mst

To

1. The Secretary to the Government,
The Government of Tamil Nadu Commercial Taxes
and Registration Department, Fort St. George,
Chennai 600 009.
- 2 . Jayapriya Chit Funds (P) Ltd.,
Chennai Branch, No.37, Natesan Street,
Siva Vishnu Complex, second floor,
T.Nagar, Chennai 600 017.
3. The Arbitrator cum Joint Registrar,
South Chennai Chit Fund Cases Court,
Chennai 600 032.



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S.SOUNTHAR, J.
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