



W.P.Nos.31333, 31339 and 31348 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.31333, 31339 and 31348 of 2019
and W.M.P.Nos.31492, 31494, 31496, 31503, 31507, 31521
and 31522 of 2019**

1.D.Bharathy	P1 in W.P.No.31333 of 2019
2.M.Venkateswari	... P2 in W.P.No.31333 of 2019
3.R.Nagarajan	...Petitioner in W.P.No.31339 of 2019
4.Ram Mohan	...Petitioner in W.P.No.31348 of 2019

Vs.

The Assistant Commissioner-cum- Fit Person/Executive Officer, Arulmigu Parthasarathy Swamy Thirukoil, Triplicane, Chennai-600 005.	Respondent in both petitions
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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for



W.P.Nos.31333, 31339 and 31348 of 2019

the records relating to the impugned orders of the respondent dated 28.02.2018 and 23.01.2018 in Na.Ka.No.773/2016 A(3) and quash the same.

In all petitions

For Petitioners : Mr.R.Subramanian
for Mr.M.Naraayanaswamy

For Respondent : Mr.Wilson Toraz for
M/s.A.S.Kailasam and Associates

C O M M O N O R D E R

These Writ Petitions have been filed challenging the impugned notices dated 28.02.2018 and 23.01.2018 issued by the respondent directing the petitioners to pay the arrears of rent for the properties situated in Door Nos.1and 8, Neeliveerasamichetty, 2nd lane Triplicane, Chennai and Door No6, Parthasarathyswamy lane, Triplicane, Chennai.

2. The learned counsel appearing for the petitioners submits that the petitioners are the owners of the superstructures existed in the subject properties and the said superstructures were purchased by way of registered



W.P.Nos.31333, 31339 and 31348 of 2019

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sale deeds dated 09.02.1972, 15.12.1969 and 20.01.1975 from Kamalabaiammal, Navaneethammal and Rajeswariammal. The petitioners are in possession and enjoyment of the superstructures in question. He further submits that the impugned notices were issued by the respondent in the name of the dead persons, namely, Kamalabaiammal, Navaneethammal and Rajeswariammal, who are the vendors of the petitioners and have executed the aforesaid sale deeds, and they are not the owners of the subject properties and the impugned notices were not issued in the name of the petitioners. He further submits that the superstructure existing in the land in question belongs to the petitioners.

3. The learned counsel appearing for the respondent submits that the subject land belongs to the respondent Temple and though the petitioners claim that the superstructures were purchased by them, there is no proof as to whether the petitioners have paid the rent towards lease to the respondent. He further submits that after inspecting the subject property on 01.07.2016, the monthly rents were fixed as the properties were being used



W.P.Nos.31333, 31339 and 31348 of 2019

for commercial purpose by the petitioners. The petitioners have not paid the arrears of lease rent from the year 2016. Further, the petitioners have not enclosed any receipt with regard to the payment of lease rent. The impugned notices issued by the respondent are valid and proper and therefore, no interference is required.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

5. It is the specific case of the petitioners that they had purchased the superstructures from their vendors. It is not their case that the land belong to the vendors, as otherwise the purchase would have been inclusive of the land. It is the specific case of the respondent that the land belongs to the temple, which had been leased out to the petitioner's vendors and, therefore, if the purchase of the superstructure had been made by the petitioners, then the petitioners are bound to pay the lease rent to the



W.P.Nos.31333, 31339 and 31348 of 2019

respondent. However, the payment of lease rent by the petitioners have not been established resulting in issuance of notice, as it is the specific case of the respondent that lease rent is due since 2016. In such view of the matter, the notice issued by the respondent to the petitioners cannot be said to be erroneous. Further, it is a mere notice which has been issued and if at all the lease rent had been paid by the petitioners, the petitioners could very well go before the respondent and produce receipt of payment thereof, which could very well be considered by the respondent. In such view of the matter, this Court does not find any reason to interfere with the impugned notices.

6. Accordingly, these Writ Petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

21.10.2024
(1/2)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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W.P.Nos.31333, 31339 and 31348 of 2019

To
The Assistant Commissioner-cum-
Fit Person/Executive Officer,
Arulmigu Parthasarathy Swamy Thirukoil,
Triplicane, Chennai-600 005.



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W.P.Nos.31333, 31339 and 31348 of 2019

M.DHANDAPANI, J.

ssb

W.P.Nos.31333, 31339 and 31348 of 2019

**21.10.2024
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