



W.P.(MD)No.3311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3311 of 2024

G.Malliga

... Petitioner

versus

The Executive Officer,
Adi Kumbareswarar Thirukkivil,
Kumbakonam,
Thanjavur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to grant necessary permission to the petitioner for carrying out the repair works and renovate the huts by putting an asbestos sheeted roof in her property situated at Pettai Salai Kara Street, Thanjavur, on the basis of the petitioner's representation dated 15.12.2023 within the time stipulated by this court.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.V.Chandrasekar



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ORDER

The petitioner claims that she is residing in a hut, situated at Pettai Salai Kara Street, Thanjavur. The said property belongs to the respondent Temple. Now, the petitioner has filed this writ petition for a Mandamus, directing the respondent to grant permission for carrying out the repair works and renovate the hut, by putting an asbestos sheet, by considering her representation dated 15.12.2023.

2. The learned counsel appearing for the petitioner submits that the petitioner is residing in a hut and it is now in a dilapidated condition. Therefore, she wants to renovate the hut with an asbestos sheet, for which, she has submitted a representation dated 15.12.2023 requesting the respondent to grant permission to renovate the hut by putting an asbestos sheet. Since the said representation has not been considered, the petitioner is before this Court.



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3. Mr.V.Chandrasekar, learned counsel, who takes notice for the respondent, submits that the petitioner is not a lessee of the respondent Temple. Originally, the petitioner's father was residing in that hut and he died. After his demise, the petitioner wants to create a record that she is residing in the hut by making this representation. He further submits that the petitioner is not residing in the hut and she is now residing at Chennai and she also subleased the property to another person.

4. This Court considered the rival submissions made.

5. The petitioner claims that she is residing in the hut and since it is in a dilapidated condition, she seeks permission of the respondent temple to renovate the hut. The learned counsel for the petitioner has also produced certain photographs before this Court to show that the hut is in a dilapidated condition.



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6. Admittedly, the subject property was leased out to the petitioner's father and he also died. The petitioner and the respondent have not furnished the date of death of the petitioner's father. Further, the respondent has taken a stand that the petitioner is not residing in the hut and she is now residing at Chennai and she also subleased the property to another person.

7. In view of the above, the respondent is directed to conduct an enquiry and take a decision on the petitioner's representation on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of. No costs.

15.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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