



WP(MD)No.14164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.14164 of 2024

M.Parameswari

... Petitioner

Vs

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Courtallam,
Tenkasi District.

2.The Executive Officer,
Arulmigu Kutralanatha Swamy Thirukoil,
Courtallam,
Tenkasi District.

3.M.Thiruppathi

... Respondents

[R3 is impleaded vide order dated
15.07.2024 in WMP(MD)No.13784 of 2024]

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to receive the arrears of rent payable for the lease of the shop No.106, Keela Radha Veedhi, Courtallam, Tenkasi District.



WP(MD)No.14164 of 2024

For Petitioners : Mr.S.Manoj Kumar
For Respondent : Mr.P.Subbaraj,
No.1 Special Government Pleader
Respondent : Mr.S.Manohar
No.2 Standing Counsel

ORDER

The writ petition is filed seeking a mandamus directing the respondents 1 and 2 to receive the rent for shop No.106, Keela Radha Veedhi, Courtallam, Tenkasi.

2.The case of the petitioner is that the shop No.106 is in occupation of this petitioner's family for a period of 30 years and they have been paying rent regularly for the past 30 years. In view of the other litigations and the writ petition filed, they are targeting the petitioner and the respondents 1 and 2 are not receiving the rent. Therefore this petitioner has approached this Court.

3.The learned Counsel for the respondent temple submits that the shop No.106 was never leased out to the father of the petitioner. As per the temple records this shop No.106 is allotted to one Sudalai. The petitioner's



WP(MD)No.14164 of 2024

brother one Tirupathi has already filed a writ petition in WP(MD)No.453 of 2024 and it was taken up along with WP(MD)No.1276 of 2024 and this Court by common order dated 15.02.2024 disposed both writ petitions holding that Tirupathi and Murugan petitioners therein are not lessees of the temple and therefore they need to be evicted and this Court has also directed to initiate as against all illegal encroachers. The petitioner is the sister of the said Tirupathi. Since Tirupathi has suffered the order, this petitioner has filed this writ petition in order to get relief for Tirupathi. Therefore, according to the learned Counsel for the temple since petitioner has never been a lessee of the temple, he is not entitled for any relief as prayed for.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents 1 and 2 to receive the arrears of rent payable towards shop No.106. The case of the petitioner is that they have been continuing as lessee and their family members have been paying rent for the past 30 years. However there is no receipt in the name of the petitioner. The petitioner herself has stated that she has filed an application to transfer the lease in her name and the same is pending.



WP(MD)No.14164 of 2024

6. Admittedly the petitioner is not a lessee and she is in occupation of Shop.No.106, which was originally allotted to one Sudalai. The receipts placed before this Court are also in the name of Sudalai. In the absence of any lease agreement, the petitioner is not entitled for the relief as prayed for. This writ petition is dismissed with liberty to the petitioner to workout her remedy in the application filed for transfer of the lease in her name. No costs.

27.09.2024

Internet : Yes / No

Index : Yes / No

DSK

1. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Courtallam,
Tenkasi District.
2. The Executive Officer,
Arulmigu Kutralanatha Swamy Thirukoil,
Courtallam,
Tenkasi District.



WEB COPY



WP(MD)No.14164 of 2024

B.PUGALENDHI.J.,

DSK

WP(MD)No.14164 of 2024

27.09.2024