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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7859 of 2025

K.Babu
S/o late Kesavan
Grandson of late Mulaviammal
No.20/18, ChokkatanSalai,
Nungambakkam
Chennai 600 034.

.. Petitioner

/versus/

1.The Executive Officer,
M/s Arulmigu Agatheeswarar Prasanna
VenkatesaPerumal Devasthanam Temple,
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
HR & CE, Nungambakkam, Chennai 600 034.

3.The Commissioner,
HR & CE, Nungambakkam, Chennai 600 034.

4.The Trustee,
M/s ArulmiguAgatheeswararPrasanna
VenkatesaPerumalDevasthanam Temple,
Nungambakkam, Chennai 600 034.

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider my representation dated 18.02.2025 to regularise my tenancy in by receiving the arrears of rent in respect of residential premises at No.20/18, Chokkatan Salai, Nungambakkam, Chennai-600 034.

For Petitioner :Mr.V.Raghavachari, Senior Counsel for
Mr.S.AswinKarthikeyan
For Respondents :Mr.K.Karthikeyan, GA

ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the representation of the petitioner dated 18.02.2025 to recognise the tenancy by receiving arrears of rent in respect of the residential premises at No.20/18, Chokkatan Salai, Nungambakkam, Chennai 600 034.

2.Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of the petitioner would submit that when a decree has been passed against the



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petitioner and the execution is pending, the petitioner himself has voluntarily made an application on 18.02.2025 willing to be recognised as a tenant. The subject property is not needed for any other worship purposes of the temple. At the end of the day, the temple is going to again rent it out to any third person. When the petitioner himself wants to regularise himself as as a tenant and is willing to pay any rent that may be fixed by the respondent, the respondent should consider the application.

3. The learned Government Advocate, on instructions would submit that that the this is the case in which an order of eviction was passed against the petitioner in favour of the temple in O.S.No.4301 of 1984 by a decree dated 14.07.2003. The execution petition was filed in E.P.No.1882 of 2009 and after protracting the matter all along at the ninth hour, the petitioner made such a request. The said request is not at all favoured by the respondents. Neither the temple nor the authorities intend to continue the petitioner or regularise the petitioner as the tenant.



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4. In view thereof, when the owner of the property is not willing to recognise and continue the petitioner as a tenant, this Court cannot issue Mandamus and direct the temple or the authorities to regularise the petitioner as the tenant. It can be seen that the temple started its journey in the year 1984 and we are now in the year 2025. The very nature of the delay that has occurred in the suit as well as the execution petition also to be taken into account by this Court. In view thereof, the prayer in the writ petition cannot be countenanced. Hence, this Writ Petition is dismissed. No costs.

06.03.2025

Neutral citation: no
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To

1. The Executive Officer, M/s Arulmigu Agatheeswarar Prasanna Venkatesa Perumal Devasthanam Temple, Nungambakkam, Chennai 600 034.

2. The Joint Commissioner, HR & CE, Nungambakkam, Chennai 600 034.

3. The Commissioner, HR & CE, Nungambakkam, Chennai 600 034.

4. The Trustee, M/s Arulmigu Agatheeswarar Prasanna Venkatesa Perumal Devasthanam Temple, Nungambakkam, Chennai 600 034.

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D.BHARATHA CHAKRAVARTHY,J.
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