

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.04.2016****CORAM:**

THE HONOURABLE MR. JUSTICE S. MANIKUMAR
and
THE HONOURABLE MR. JUSTICE S. S. SUNDAR

W.A. (MD) Nos. 823 to 839 of 2016**and****CMP (MD) Nos. 5080 to 5097 of 2016****and****W.P. (MD) Nos. 11088 to 11104 of 2015****and****M.P. (MD) Nos. 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 and 1 of 2015**

T. SATISH	...APPELLANT/PETITIONER in WA (MD) No. 823 of 2016
E. SUBBIAH	...APPELLANT/PETITIONER in WA (MD) No. 824 of 2016
M. MURUGAN	...APPELLANT/PETITIONER in WA (MD) No. 825 of 2016
P. RAJAN	...APPELLANT/PETITIONER in WA (MD) No. 826 of 2016
V. RAJAGOPAL	...APPELLANT/PETITIONER in WA (MD) No. 827 of 2016
T. SARAVANAN	...APPELLANT/PETITIONER in WA (MD) No. 828 of 2016
S. SIVAKUMAR	...APPELLANT/PETITIONER in WA (MD) No. 829 of 2016
M. SARAVANAN	...APPELLANT/PETITIONER in WA (MD) No. 830 of 2016
V. MURUGAN	...APPELLANT/PETITIONER in WA (MD) No. 831 of 2016
K. MANIKANDAN	...APPELLANT/PETITIONER in WA (MD) No. 832 of 2016
E. RAMACHANDRAN	...APPELLANT/PETITIONER in WA (MD) No. 833 of 2016
E. MUTHU	...APPELLANT/PETITIONER in WA (MD) No. 834 of 2016
M. SURESH	...APPELLANT/PETITIONER in WA (MD) No. 835 of 2016
T. SELVAKUMAR	...APPELLANT/PETITIONER in WA (MD) No. 836 of 2016
T. MUTHULINGAM	...APPELLANT/PETITIONER in WA (MD) No. 837 of 2016
K. MURUGAN	...APPELLANT/PETITIONER in WA (MD) No. 838 of 2016
P. GANESAN	...APPELLANT/PETITIONER in WA (MD) No. 839 of 2016

Vs.

1. THE COMMISSIONER,
O/O. THE COMMISSIONER (HR & CE),
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
CHENNAI - 34.
2. THE JOINT COMMISSIONER/EXECUTIVE OFFICER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
(ANNEXED AND UNANNEXED TEMPLES),
SUSEENDRAM HEAD OFFICE,
SUSEENDRAM POST,
KANYAKUMARI DISTRICT.



3. THE MANAGER,
ARULMIGU BHAGAVATHIYAMMAN TEMPLE,
KANYAKUMARI,
KANYAKUMARI DISTRICT. .. RESPONDENTS/RESPONDENTS

IN ALL THE WRIT APPEALS

WEB COPY

Prayer IN WA(MD)NO.823/2016 :

Writ Appeal is filed under Clause XV of Letters of Patent, to set aside the order passed in M.P.(MD) Nos.1 of 2015 in W.P.(MD) No.11088 of 2015 dated 02.07.2015 on the file of this Court to the extent of direction for payment of hiked rent of Rs.5/- per square feet per day instead of allowing to pay Rs.1 per square feet per day by the Appellant and allow the writ appeal.

Prayer in WA(MD) No.824 of 2016:

To prefer this Memorandum of Grounds of Writ Appeal against the order passed by the Honourable Court made in MP(MD) No.1 of 2015 in WP(MD) No. 11089 of 2015 dated 02.07.2015

Prayer in WA(MD) No.825 of 2016:

To prefer this Memorandum of Grounds of Writ Appeal against the order passed by the Honourable Court made in MP(MD) No.1 of 2015 in WP(MD) No. 11090 of 2015 dated 02.07.2015

Prayer in WA(MD) No.826 of 2016:

To prefer this Memorandum of Grounds of Writ Appeal against the order passed by the Honourable Court made in MP(MD) No.1 of 2015 in WP(MD) No. 11091 of 2015 dated 02.07.2015

Prayer in WA(MD) No.827 of 2016:

To prefer this Memorandum of Grounds of Writ Appeal against the order passed by the Honourable Court made in MP(MD) No.1 of 2015 in WP(MD) No. 11092 of 2015 dated 02.07.2015

Prayer in WA(MD) No.828 of 2016:

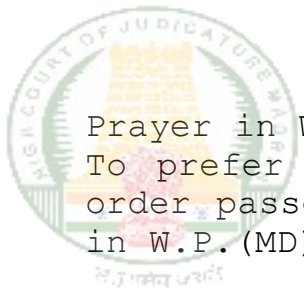
To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11093 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.829 of 2016:

To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11094 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.830 of 2016:

To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11095 of 2015 dated 02.07.2015.



Prayer in WA(MD) No.831 of 2016:

To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11096 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.832 of 2016:

To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11097 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.833 of 2016:

To prefer this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P.(MD)No.1 of 2015 in W.P.(MD)No.11098 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.834 of 2016:

To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11099 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.835 of 2016:

To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11100 of 2015 dated 02.07,2015.

Prayer in WA(MD) No.836 of 2016:

To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11101 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.837 of 2016:

To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11102 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.838 of 2016:

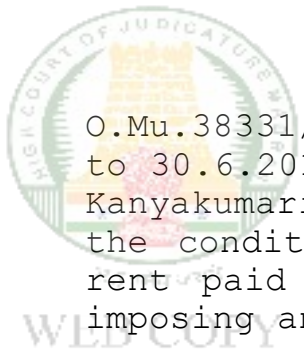
To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11104 of 2015 dated 02.07.2015.

Prayer in WA(MD) No.839 of 2016:

To prefers this memorandum of grounds of Writ Appeal against the order passed by the Honourable Court made in M.P(MD)No.1 of 2015 in W.P(MD) No.11103 of 2015 dated 02.07.2015.

Prayer in WP(MD). 11088/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Habeas Corpus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in



O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 1 to 3 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11089/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.63646/2012/U3 dated 11.12.2012 for a further period from 01.07.2015 to 30.06.2018 with regard to Shop No.4 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11090/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 01.07.2015 to 30.06.2018 with regard to Shop No.5 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11091/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 6 to 8 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11092/ 2015 :

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the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.9 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11093/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.10 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11094/ 2015 :

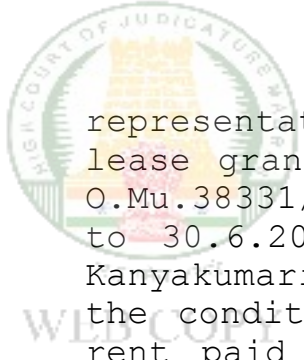
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 11 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11095/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.12 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11096/ 2015 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written



representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.13 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11097/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 14 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11098/ 2015 :

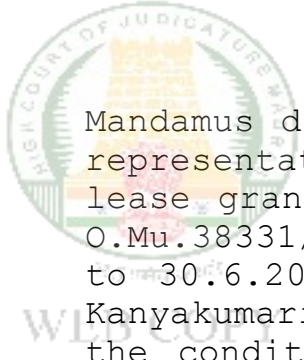
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.15 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11099/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.16 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

<https://hccourts.mca.gov.in/CaseDetails.aspx?CaseNo=11100/2015> : WP(MD). 11100/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 17 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11101/ 2015 :

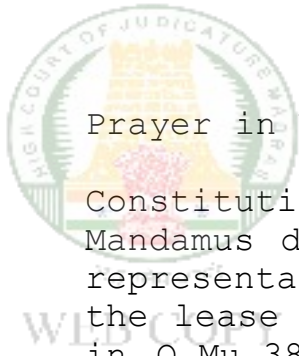
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.18 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11102/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.19 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in WP(MD). 11103/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 5.6.15 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.9.12 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No. 20 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.



Prayer in WP(MD). 11104/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation of the petitioner dated 05.06.2015 seeking to renew the lease granted to him by the proceedings of the 2nd respondent in O.Mu.38331/2012/V3 dated 11.09.2012 for a further period from 1.7.15 to 30.6.2018 with regard to Shop No.21 situated Beach area in Kanyakumari belonging to the 3rd respondent temple and by imposing the condition of payment of 15% increase of rent over and above rent paid by the petitioner for the month of June 2015 and by imposing any other condition.

Prayer in MP(MD). 1/ 2015 in WP(MD).11088/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 1 to 3 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11089/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 4 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11090/2015 :

To pass an order of injunction restraining the respondents from evicting the petitioner from shop No.5 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the above WP beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015 and thus render justice.

Prayer in MP(MD). 1/ 2015 in WP(MD).11091/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 6 to 8 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11092/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.9 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petitioner beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11093/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.10 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the writ petition beyond 1.7.15 to 30.6.18 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11094/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 11 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11095/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.12 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petitioner beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11096/2015 :

To pass an order of INJUNCTION restraining the respondents from evicting the petitioner from Shop No. 13 situated Bench Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of this Writ Petition beyond 01.7.2015 to 30.6.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015 and thus render justice.

Prayer in MP(MD). 1/ 2015 in WP(MD).11097/2015 :

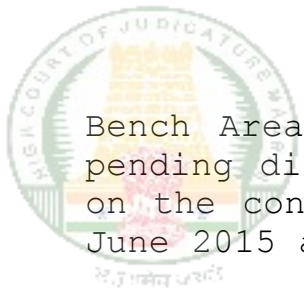
To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 14 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11098/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.15 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petitioner beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

[https://hccasecourts.gov.in/MP\(MD\)/](https://hccasecourts.gov.in/MP(MD)/) Prayer in MP(MD). 1/ 2015 in WP(MD).11099/2015 :

To pass an order of INJUNCTION restraining the respondents from evicting the petitioner from shop No. 16 situated



Bench Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of this writ petition beyond 1.7.15 to 30.6.2018 on the condition to pay 15 %more as a rent over the rent paid in June 2015 and thus render justice.

Prayer in MP(MD). 1/ 2015 in WP(MD).11100/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 17 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11101/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.18 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petitioner beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11102/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.19 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the writ petition beyond 1.7.15 to 30.6.18 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11103/2015 :

To pass an order of Injunction, restraining the respondents from evicting the petitioner from Shop No. 20 situated Beach area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petition beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).11104/2015 :

To pass an order of INTERIM INJUNCTION restraining the respondents from evicting the petitioner from shop No.21 situated Beach Area in Kanyakumari belonging to the 3rd respondent temple pending disposal of the Writ Petitioner beyond 01.07.2015 to 30.06.2018 on the condition to pay 15% more as a rent over the rent paid in June 2015.

For Appellants in : Mr.S.Loganathan
all writ appeals

Respondent No.1 in : Mr.VR.Shanmuganathan,
all writ appeals Special Govt. Pleader

Respondent No.2 in : Mr.K.Sathiya Singh
all writ appeals for RR 2 and 3

COMMON JUDGMENT

(Judgment of this Court was delivered by S.MANIKUMAR, J.)

Appellants before us have filed separate W.P.(MD) Nos.11088 to 11104 of 2015 to consider their written representations, dated 05.06.2015, seeking to renew the lease granted to them by the proceedings of the 2nd respondent, for a further period from 01.07.2015 to 30.06.2018 with regard to the shops situated at Beach area in Kanyakumari, belonging to the 3rd respondent temple and by imposing condition of payment of 15% increase of rent over and above rent paid by the petitioners for the month of June 2015 and by imposing any other condition.

2.Appellants are licensees of the shops in the premises of Sri Bagavathiyamman temple, Kanyakumari District from the year 2012, on a monthly rent of Rs.40/-. Admittedly, they are put in possession of the shops each measuring 40 square feet. According to them, they have been regular in payment of rent. The appellants have further contended that the license period expired in 2015. They made representations for renewal of licence for the said shops from 01.07.2015 to 30.06.2018, by enhancing the rent by 15%. Pending disposal of the writ petitions, appellants have filed miscellaneous petitions for an order of interim injunction restraining the respondents from evicting them from the shops. On the material on records, by the common order in M.P.(MD) No.1 of 2015 etc. in W.P.(MD) No.11088 of 2015 etc., dated 02.07.2015, the Writ Court, granted interim injunction in all the writ petitions, on condition that the appellants would pay Rs.5/- per square feet per day for the occupation of the shops belonging to the temple. The Writ Court has further recorded the submissions of the petitioners that they would not put up any permanent construction.

3.Assailing the correctness of the common order, by which, interim injunction has been granted on condition to pay Rs.5/- per square feet, instant appeals have been filed on the grounds interalia that if payment of rent of Rs.5/- per square feet per day, for 40 square feet is worked out, then the rent payable by the appellants would be Rs.6,000/- per month, which would be five times of the rent than what is currently paid. Attention of this Court is also invited that all the licensees have paid a substantial amount towards donation to the temple.

4.Added further, Mr.S.Loganathan, learned counsel for the appellants submitted that there are other shop owners in close proximity in the subject temple paying only 0.50 paise per square feet per day for their occupation and therefore, the condition of payment of Rs.5/- per square feet per day would put the appellants in great hardship. In the above said circumstances, he seeks for reversal of the orders impugned.



5. Considering the limited prayer sought in the writ petitions, which is for the disposal of the representation of the appellants for renewal of the license for the above said shops, the learned Special Government Pleader appearing for the Commissioner, Hindu Religious and Charitable Endowment, Chennai, suggested that the writ petitions can be tagged along with the writ appeals for disposal, for which, Mr.S.Loganathan, learned counsel for the appellants and Mr.K.Sathiya Singh, learned counsel for the respondents 2 and 3, have no objection. Accordingly, the Registry was directed to put up a special list, tagging all the writ petitions for joint hearing and disposal.

6. Mr.K.Sathiyasingh, learned counsel for the respondents 2 and 3 has not disputed the fact that in respect of some other shops, a sum of Rs.0.50/- alone is being collected as rent per square feet per day. However, it is his contention that fixation of rent depends upon the place of location of the shop, though, it is within the same temple property.

7. Mr.S.Loganathan, learned counsel for the appellants submitted that in addition to a sum of Rs.1200/-, being paid as rent for the shops for the occupation of the appellants, measuring 40 square feet, appellants would pay a further sum of Rs.1200/- per square feet per day. In sum and substance, he submitted that a sum of Rs.2,400/- would be paid as rent for the shops in occupation by the appellants till their representations are considered by the Commissioner, Hindu Religious and Charitable Endowment, Chennai, the respondent No.1 in the appeals.

8. At this juncture, Mr.VR.Shanmuganathan, the learned Special Government Pleader invited the attention of this Court to Rule No.11 of Religious Institutions (Lease of Immovable Property) Rules, 1963, framed under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and submissions were advanced that it is for the Commissioner, Hindu Religious and Charitable Endowment, Chennai, respondent No.1 in the appeals, who is the competent authority, to decide the fixation of rent in respect of immovable properties. Rule 11 of the said Rule is extracted hereunder:

"11. Lease otherwise than by public auction.-

(1) The Commissioner, on an application made to him by the executive authority of a religious institution, may permit the lease of any property of any right otherwise than by public auction, if he is satisfied that the interest of the institution will not suffer by dispensing with the public auction.

A joint reading of section 34 and rule 11, it could be seen that any lease of immovable property belonging to temple could be done only in accordance with the method



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provided in the Act. So, when the sub-tenant had got no right to squat on the property without any right and being sub-lessee, he had got no right to maintain appeal independent of his lessor. The leases for agricultural or manufacturing purpose should be deemed to be monthly according to section 106 of Transfer of Property Act, 1882. No person could give larger right than what he possess and if direct tenant's of lease had come to an end, sub-lessee could not claim better right. Therefore, notice issued under section 106 of the Transfer of Property Act, 1882 was valid. (Arulmigu Sathivaneswaraswamy Temple V. Habib Rahman, 2014(6)CTC 37). "

9. Reading of the Rules makes it clear that it is to the commissioner to decide as to whether the shops are immovable property and can be leased out or otherwise for auction. Admittedly, the appellants have been put in possession of the shops. They have also made considerable donations. The fact has not been disputed. They are in occupation of just 40 square feet. Representations seemed to have been given before the Joint Commissioner/Executive Officer, Hindu Religious and Charitable Endowment, Suseendram Head Office, Kanyakumari District, respondent No.2, in the appeals.

10. When Rules 11 of Religious Institutions (Lease of Immovable Property) Rules, 1963, states that the Commissioner of Hindu Religious and Charitable Endowments is the competent authority to decide, in terms of the said rules, the Joint Commissioner of Hindu Religious and Charitable Endowments has to only forward the representations.

11. Mr. VR. Shanmuganathan, learned Special Government Pleader fairly submitted that till the representations of the appellants are disposed of, by the competent authority, an interim arrangement could be made and that it would suffice, if the appellants are directed to pay Rs.2/- per square feet per day for the occupation of the shops by the appellants. Submissions of the learned Special Government Pleader is placed on record. Though Mr. K. Sathiyasingh, learned counsel for the respondent No.2 prayed that there could be a further increase in payment of rent, we are not inclined to accept the said submission for the reason that there are others paying rent at the rate of Rs.0.50/- per square feet per day. Moreover, when the Commissioner, Hindu Religious and Charitable Endowments Board, Chennai is the authority to decide as to whether the shops could be auctioned or renewed and <https://hccs.ecourts.gov.in/hccs/entry> quantum of rent, we deem it appropriate that a reasonable hike in payment of rent, is sufficient till the representations are disposed of.



12. Though augmentation of revenue may be one of the factors to be considered by the Hindu Religious and Charitable Endowment, considering the fact that the appellants have made considerable donations and they are small businessmen/vendors, put in possession of just 40 square feet of vacant land to eak out their livelihood, we only observe that while taking decision, the Commissioner, Hindu Religious and Charitable Endowments, Chennai, respondent No.1, shall consider the same in the light of above observations.

13. In the light of the above, both the writ petitions and writ appeals are disposed of with the following conditions:

i) Joint Commissioner/Executive Officer, Hindu Religious and Charitable Endowment, (Annexed and Unannexed Temples), Suseendram Head Office, Suseendram Post, Kanyakumari District, respondent No.2, in the instant appeals, is directed to forward all the representations received from the appellants, for renewal of the lease of the shops, for the period between 01.07.2015 to 30.06.2018, to the Commissioner of Hindu Religious and Charitable Endowments, Chennai, respondent No.1 in all the appeals, within a period of four weeks from the date of receipt of a copy of this order along with his remarks and records.

ii) On receipt of the representations, remarks and records as the case may be, the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai - 34, respondent No.1, in all the appeals, is directed to examine the same, with reference to Rule 11 of the Religious Institutions (Lease of Immovable Property) Rules, 1963, and the observations made by us, in the foregoing paragraphs, and pass orders in accordance with law, within a period of six weeks from the date of receipt of the above particulars from the respondent Nos.2 and 3.

iii) In the meanwhile, the appellants, who are in occupation of shops measuring 40 square feet and currently paying rent at Rs.1,200/- per month, would pay a sum of Rs.2,400/- as rent, for the shops, every month on or before 5th day of every English Calender month, as done earlier, till the representations are disposed of by the Commissioner of Hindu Religious and Charitable Endowment Department, Chennai, respondent No.1. It is made clear that directions issued, in the instant appeals and writ petitions are in the nature of an interim arrangement. Such interim arrangement shall not be construed as right conferred on the appellants.



Assistant Registrar (AS)

Sub Assistant Registrar

GJM/PEK/SAR-I-7.6.16-15p-22C

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