

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.01.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.1277 of 2017
and WMP.No.1199 of 2017

H.Harimurugesan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Endowment Dept.,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Endowment Dept.,
O/o.Joint Commissioner of HR & CE.,
Muthuchamy Nagar,
Sivagangai to Thirupathur Road,
Sivagangai Town and Taluk,
Sivagangai District-630 561.

3.The Assistant Commissioner,
Hindu Religious and Endowment Dept.,
Anjumudu road,
Ramanathapuram Main Road,
Paramakudi Town,
Ramanathapuram District-623 707.

4.The Executive Officer,
Sri Kopptidayanayagamman Thirukoil,
Karaikudi-630 001,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus calling for the records pertaining to the impugned demand notice of the fourth respondent in unnumbered Na.Ka.No. Dated 06.01.2017 and to quash the same as arbitrary and illegal and consequently, to direct the official first respondent to adjust the auction deposit amount of Rs.28,08,000/- against the fresh auction licence amount of Rs.57,50,000/- as directed by

the Hon'ble First Bench of the Madurai Bench of this Court in the common judgment dated 01.12.2016 in W.A.(MD) No.1563 and 1564 of 2016.

For Petitioner :Mr.C.Prabakaran, Sr. Counsel
for M/s.A.Iruthayaraj

For Respondents :Mr.M.Maharaja,
Spl. Govt. Pleader (HR & CE)

O R D E R

This writ petition has been filed by the petitioner challenging the impugned demand notice of the fourth respondent in unnumbered Na.Ka.No. dated 06.01.2017 and to quash the same. Further to direct the official first respondent to adjust the auction deposit amount of Rs.28,08,000/- against the fresh auction licence amount of Rs.57,50,000/- as directed by the Hon'ble First Bench of the Madurai Bench of this Court in the common judgment dated 01.12.2016 in W.A.(MD) No.1563 and 1564 of 2016.

2.Heard the learned senior counsel for the petitioner as well as the learned Special Government Pleader for the respondents.

3.After hearing the elaborate arguments of the learned Senior counsel for the petitioner, the learned Special Government Pleader for the respondents on the instructions of the fifth respondent, who appeared before this Court in person, would submit that the petitioner himself has paid a sum of Rs.10 lakhs by way of Demand Draft on 06.01.2017 and another sum of Rs.30,76,000/- by cheque, which amounts to the tune of Rs.40,76,000/-.

He would submit that the directed amount for the fasli year 06.01.2017 to 05.01.2018 is Rs.57,50,000/- and as per the earlier order of the Hon'ble Division Bench in W.A.(MD) No.1563 and 1564 of 2016 dated 01.12.2016, a sum of Rs.28,08,000/- has been paid by the petitioner and out of the advance amount, as rightly pointed out in the impugned order, they have deducted the rent for the fasli period 01.07.2016 to 27.11.2016 to the tune of Rs.11,34,000/- and the balance of Rs.16,74,000/- has been adjusted from the original advance amount which has been directed as per the aforesaid Writ Appeal order. Even as per the respondents, as on date, if the cheque is duly collected, then the petitioner need not have to pay any further amount and it is subject to the realisation of the cheque amount which is presented for collection and therefore, apprehension of the petitioner is not necessary.

4.In view of the submissions made on either side, it is seen that the amount itself has been paid by the petitioner i.e., Rs.40,76,000/-, as per the impugned order and therefore, the order impugned is correct. Hence, no further amount is due and payable by the petitioner towards the Fasli amount.

5.With the above observations, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Endowment Dept.,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
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O/o.Joint Commissioner of HR & CE.,
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4.The Executive Officer,
Sri Kopptidayanayagamman Thirukoil,
Karaikudi-630 001,
Sivagangai District.

+1cc to the Government Pleader Sr.3773

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