



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 12166 of 2016

and

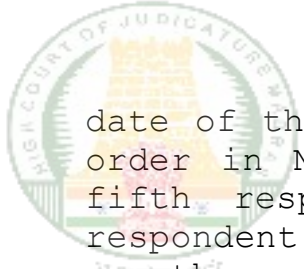
W.M.P (MD) No. 9265 of 2016

M/s. Hajeemoosa Private Limited,
Rep. By its Managing Director,
Md. Ismail Omar
no. 18/19, East Chithirai Street, Madurai. ... Petitioner

Vs.

1. The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai - 625 001.
4. The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Temple,
Madurai - 625 001.
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai - 625 001. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in D.Dis.R.P.102/2016(D2), dated 13.05.2016 passed by the second respondent r/w consequential order in Na.Ka.No. 2606/2015-4/A1 dated 05.07.2016 passed by the fifth respondent and quash D.Dis.R.P.102/2016(D2) dated 13.05.2016 passed by the second respondent in so far as it directs the petitioner to execute the lease agreement within 15 days from the



date of the receipt of the said order and quash the consequential order in Na.Ka.No.2606/2015-4/A1, dated 05.07.2016 passed by the fifth respondent in toto and consequently direct the fourth respondent to enter into lease agreement with the petitioner as per the conditions laid down in the impugned order.

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For Petitioner	: Mr.T.Antony Arul Raj
For RR 1 to 3 & 5	: Mr.VR.Shanmuganathan, Special Government Pleader.
For R - 4	: Mr.S.Manohar

ORDER

This writ petition is filed seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in D.Dis.R.P.102/2016(D2), dated 13.05.2016 passed by the second respondent r/w consequential order in Na.Ka.No. 2606/2015-4/A1 dated 05.07.2016 passed by the fifth respondent and quash D.Dis.R.P.102/2016(D2) dated 13.05.2016 passed by the second respondent, directing the petitioner to execute a lease agreement within 15 days from the date of the receipt of the said order and also quash the consequential order in Na.Ka.No.2606/2015-4/A1, dated 05.07.2016 passed by the fifth respondent and consequently, direct the fourth respondent to enter into lease agreement with the petitioner as per the conditions laid down in the impugned order.

2.The petitioner's father started a fabric business in the year 1978 in the premises of the fourth respondent Temple under rental lease and he passed away in the year 1984. After his demise, the petitioner is continuing his business in the said property by paying rent to the Temple directly without any default. In the year 2014, the administration of the temple initiated proceedings under Section 78 of the Tamil Nadu HR & CE Act and revoked the lease and issued an order terminating the said lease. In the mean time, the third respondent herein passed an order, dated 22.01.2016 declaring that the petitioner's father was an encroacher and directed the petitioner to hand over the property to the Temple authority. Hence, the petitioner filed a revision before the second respondent, who passed the impugned order, dated 13.05.2016, fixing the monthly rent at Rs.10,000/-. Since the petitioner has not paid the rent, the fifth respondent passed the impugned order, dated 05.07.2016, for evicting the petitioner on 14.07.2016. Hence, the petitioner has filed the present Writ Petition.

3.When the matter came up for hearing on 12.07.2016, this Court directed the petitioner to pay a sum of Rs.10,000/- per month to the fourth respondent as rent. Accordingly, the



petitioner is regularly remitting the said sum as rent as on today. Further, the respondents have fixed the said amount and permitted the petitioner to continue to comply with the same, in view of the impugned order, dated 13.05.2016.

4. Under the said circumstances, no further order is required in this Writ Petition. Accordingly, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
 2. The Commissioner,
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Arulmighu Meenakshi Sundareswarar Temple,
Madurai - 625 001.
 5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai - 625 001.
- + 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 80740
+ 1 CC TO Mr.T.ANTONY ARUL RAJ, ADVOCATE IN SR No. 80565

PS

TE/KK/SAR-II : 20/10/2017 : 3P/8C

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