

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.14412 & 14416 of 2018 and
W.M.P.Nos.17015 & 17021 of 2018

M.Pari ... Petitioner in both W.Ps

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruchirappalli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ariyalur.
- 4.The Executive Officer,
Arulmigu Poomalai Sanjeevi Rayar
& Veetrintha Perumal Thiru Kovilgal,
Padalur, Chettikulam Post,
Alathur Taluk, Perambalur District.

... Respondents in both W.Ps

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records of the 4th respondent notice dated 25.04.2018 and quash the same as illegal and forbearing the respondents from evicting the petitioner from the shop occupied by the petitioner in Padalur Village S.F.No.230/5.

For Petitioner : Mr.S.Muthukrishnan
(in both W.Ps)

For Respondents : Mr.M.Maharaja,
(in both W.Ps) Special Government Pleader

C O M M O N O R D E R

These Writ Petitions have been challenging the impugned orders dated 25.04.2018 calling upon the petitioner to pay the arrears of rent amounting to Rs.91,620/- and Rs.2,96,460/- as on 31.03.2018, in respect of the shops in the possession of the petitioner.

2.The learned counsel appearing for the petitioner submitted that Arulmigu Poomalai Sanjeevi Rayar and Veetrintha Perumal temples have been taken over from the village people by the respondents about 25 years ago and the temple lands were managed by the village trustee nominated by the village people. The village trustees have also leased out the properties of the temples with a condition that the lessee of the ground shall not put up the Madras RCC concrete for the roof of the building and were collecting annual rents. The petitioner has been in possession of 800 sq.ft., and 276 sq.ft., of land and had constructed buildings with asbestos roof by spending several lakhs and that he has been paying the rents regularly to the 4th respondent. The 4th respondent has been collecting Rs.1,080/- and Rs.360/- respectively as ground rent up to fasli 1425 on 10.12.2015 without any arrears. While so, the 4th respondent, Executive Officer of Arulmigu Poomalai Sanjeevi Rayar & Veetrintha Perumal Temples had issued notices dated 25.04.2018 directing the petitioner to pay Rs.91,620/- and Rs.2,96,460/- as arrears of rent for the period ending 31.03.2018. The learned counsel for the petitioner submitted that the amounts claimed in the impugned notices are huge and unacceptable.

3.When the learned counsel for the petitioner was questioned as to whether the petitioner is paying the rents regularly and asked him to show the documents as proof of payment of rents by the petitioner, he was unable to show any document in that regard. But the receipts issued in the name of Panchatcharam was only shown, whereas no document in the name of the petitioner viz., Pari was shown. The same proves that the petitioner has not paid the rents and that the petitioner has transferred the lease hold right in the name of Panchatcharam without the permission of the Temple authorities which is unfair and unjustified.

4.Therefore, this Court is not inclined to entertain the Writ Petitions. The Writ Petitions fail and the same are

dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
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Padalur, Chettikulam Post,
Alathur Taluk, Perambalur District.

+2cc to Mr.S.Muthukrishnan, Advocate sr.no.38233
+1cc to Special Government Pleader sr.no.38368

W.P.Nos.14412 & 14416 of 2018 and
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ssv(co)
nr 11/09/2018