

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26656 of 2018 and W.M.P. No.31024 of 2018

Sri Venkateshwara Fuel Service,
Dealer of Hindustan Petroleum Corporation,
rep. By its Partner K.Thirumoorthy,
No.152, Raja Street,
Perundurai, Erode District.

... Petitioner

Vs

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Dr.Balasundaram Road,
Coimbatore.
3. Arulmigu Chellandi Amman Temple,
rep. by its Executive Officer,
Perundurai Town, Erode District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records pertaining to impugned proceedings of the third respondent dated 27.07.2018 and quash the same.

For Petitioner : Mr.V.Ragavachari
for Ms.V.S.Usha Rani

For Respondents : Mr.M.Maharaja,
Special Government Pleader
for R1 to R3

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition challenging the impugned proceedings dated 27.07.2018 passed by the third respondent.

3.Though the prayer is for a Certiorari, the learned counsel for the petitioner confines the same for a direction to consider the petitioner's representation dated 13.08.2018. According to the learned counsel, though the petitioner is paying a rent of Rs.25,000/- per month for occupation of the temple land and the same are being received and acknowledged by the respondents, the impugned order dated 27.07.2018 demanding a rent of Rs.1,31,796/- has been passed without following the G.O. Ms. Nos.353 dated 04.06.1999 and 456 dated 09.11.2007 of Tamil development, Culture and Religious Endowments Department and pursuant to the same, the petitioner has made a representation dated 13.08.2018 explaining all the facts and circumstances, but, till date, the same has not been considered by the respondents. Hence, the petitioner is before this Court.

4.Mr.M.Maharaja, learned Special Government Pleader taking notice for the respondents, submitted that the petitioner who is in occupation of large extent of temple land, pays only a meagre sum as rent and if the petitioner makes substantial payment towards rental claim, the representation submitted by the petitioner to the Commissioner, Hindu Religious & Charitable Endowments Department would be considered and appropriate orders would be passed within a period of two weeks.

5.In reply, the learned counsel for the petitioner submitted that without prejudice, the petitioner would make payment of Rs.25,00,000/- (Rupees twenty five lakhs only) towards rental arrears.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to pay a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) within a period of two weeks from the date of receipt of a copy of this order. On such payment, the respondents are directed to consider the petitioner's representation dated 13.08.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any of the interested parties within a period of two weeks thereafter.

7. Accordingly, this writ petition stands disposed of.
Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Dr. Balasundaram Road,
Coimbatore.
3. Arulmigu Chellandi Amman Temple,
rep. by its Executive Officer,
Perundurai Town, Erode District.

+1cc to Ms. V.S. Usha Rani, Advocate, S.R.No. 69805

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SAI (CO)
CS/11/12/2018

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