

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****WEB COPY**

W.P.(MD) Nos.16574,16575, 16576,16577, 16578,
16579, 16580,16581,16582,16583,16584,16585 and 16586 of 2018
and
W.M.P(MD) Nos. 14672,14673,14674,14675, 14676,
14677,14678,14679,14680,14681,14682,14683 and 14684 of 2018

Ravichandran ... Petitioner in W.P(MD)Nos.16574,
16575,16576,16577 and 16578 of 2018

Dhanasekar ... Petitioner in W.P(MD)Nos. 16579,
16580 and 16581 of 2018

Dhakshinamoorthy ... Petitioner in W.P(MD)Nos. 16582 and
16583 of 2018

Shanmugaraj ... Petitioner in W.P(MD)No.16584/2018

Nagarajan ... Petitioner in W.P(MD)No.16585/2018

Manickam ... Petitioner in W.P(MD)No.16586/2018

vs.

1. The Commissioner
Hindu Religious and Charitable
Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai- 600 034.

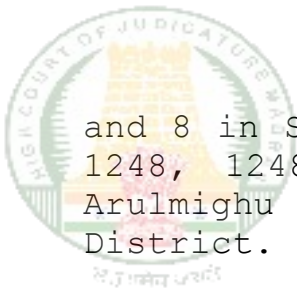
2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Mayiladuthurai Division
Thiruvarur District

3. The Executive Officer
Arulmighu Adhi Kumbeswaraswamy Thirukovil
Kumbakonam
Thanjavur District

... Respondents in all cases

PRAYER in W.P(MD) Nos.16574 to 16586 of 2018 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this court to issue a writ of Certiorari to call for the records and quash the impugned notice dated 12.07.2018 issued by the 3rd respondent herein with respect to the shop No.7, 25, 27, 28, 29, 4, 6, 31, 20 and 21, 22, 24, 9



and 8 in Survey Nos. 1247, 1245, 1246, 1246, 1246 and 1247, 1248, 1248, 1248/1, 1253, 1253, 1245, 1246 and 1246 respectively of Arulmighu Adhi Kumbeswaraswamy Thirukoil, Kumbakonam, Thanjavur District.

For Petitioner : Mr.A.Thiruvadikumar
(in all W.Ps)
For Respondents : Mr.J.Gunaseelan Muthiah
(In all W.P.s) Additional Government Pleader for R1 & R2
: Mr. V.Chandrasekar for R3

COMMON ORDER

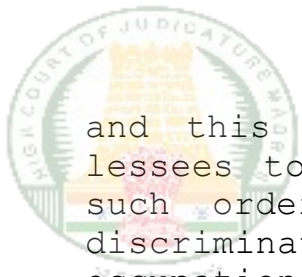
Since the issue involved in all these writ petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order

2. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.V.Chandrasekar, learned counsel takes notice for the third respondent.

3. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

4. When a batch of writ petitions came to be filed challenging the eviction notices issued by the Executive Officer of Arulmighu Dhandayuthapani Swamy Thirukoil, Palani, this Court by an order dated 14.03.2018 in W.P(MD) No.4428 of 18 etc., batch had issued certain directions enabling the respondents therein to initiate appropriate action to evict the lessees. Challenging the same, a batch of writ appeals came to be filed in W.A(MD) Nos. 686 to 698 of 2018 and the Honourable Division Bench of this court by an order dated 19.04.2018, reiterated the order of the learned Single Judge permitting the respondents to proceed with the action taken for evicting the petitioners therein. In the mean time, similar batch of writ petitions came to be filed before this Court in W.P(MD) No. 4069 of 2018 etc and an order dated 04.06.2018 came to be passed, whereby this Court had taken cognizance of the fact that the lessees have been in possession of the leasehold shops for considerable period of years and therefore, permitted them to occupy the leasehold shops till 31.12.2018 on condition that they must execute individual undertaking affidavits to the effect that they would vacate the premises on their own on or before 31.12.2018 and also pay the lease amount without fail.

5. It is in this background that several other writ petitions came to be filed challenging the eviction notices issued in respect of the shops situated in and around the temple premises



and this court had granted similar relief by permitting such lessees to occupy the premises till 31.12.2018. In the light of such orders being passed by this Court, I do not wish to discriminate the petitioners herein, who also claim to be in occupation of the leasehold premises for a considerable time.

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6. I do not find any infirmity in the present impugned proceedings initiated by the respondents herein which are pursuant to the orders of this Court. It is the submission of the learned counsel for the petitioners that the petitioners must be permitted to occupy the premises till 31.12.2018, since the same benefit has also been extended to the similarly placed lease holders in the state.

7. In the light of the above observation, I do not wish to quash the impugned notices issued by the respondents herein. Nevertheless, in the light of the order of this Court dated 04.06.2018 passed in W.P.(MD)Nos. 4069 of 2018 etc., batch there shall be a direction to the respondent/temple authorities to permit the petitioners to occupy their respective leasehold premises till 31.12.2018 on condition that they shall submit individual undertaking affidavit to vacate the premises on their own on or before 31.12.2018 and also pay the lease amount without fail. Such an undertaking affidavit shall be filed before the concerned Executive Officer of the temple within a period of two weeks from the date of receipt of a copy of this Order.

8. With the above directions, these writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

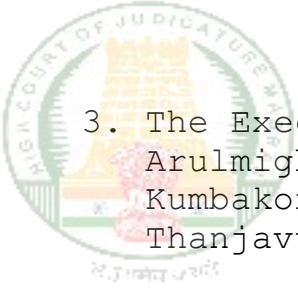
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Sub Assistant Registrar(CS-IV)

To

1. The Commissioner
Hindu Religious and Charitable
Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai- 600 034.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Muziris Division
Thiruvarur District



3. The Executive Officer
Arulmighu Adhi Kumbeswaraswamy Thirukovil
Kumbakonam
Thanjavur District

+1cc to Mr.A.Thiruvadikumar, Advocate SR.No.75617

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.76232

Aav

MK/RSK/SAR 4/09.08.2018/4P/6C

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