



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No 16198 of 2018

and

W.M.P(MD) No14430 of 2018

K.Subramanian

... Petitioner

vs.

1. The Secretary to the Government,
Hindu Religious and Charitable Endowment
Department,
Secretariat,
Chennai.

2. The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Chennai.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Mayiladudurai,
Nagapattinam District.

4. The Executive Officer,
Arulmigu Adhi Kumbeswarar Temple,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings Nil dated 12.07.2018 and quash the same as illegal.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondents: Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R1 to R3

: Mr. V.Chandrasekar for R4

**ORDER**

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.

2. 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.

3. 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.

4. 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.

5. With the above directions, these writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Secretary to the Government,
Hindu Religious and Charitable Endowment
Department,
Secretariat,
Chennai.
2. The Commissioner,
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Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Mayiladudurai,
Nagapattinam District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76248

AAV

TE/RP/SAR-1 : 10/08/2018 : 3P/5C

W.P (MD) No.16198 of 2018
30.07.2018