



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon'ble Mr. Justice M. NIRMAL KUMAR

WMP (MD) Nos. 23157 to 23159 of 2018

IN

WP (MD) Nos. 11947 to 11949 of 2018

M. PANDI,
SHOP No. 1, WEST VADAMPOKKE ST,
ARULMIGU MADHANAGOPALASAMY THIRUKOIL COMPLEX,
MADURAI-1. : PETITIONER IN WMP (MD) No. 23157/2018

K. SARAVANAN,
SHOP No. 4,
WEST VADAMPOKKE STREET,
ARULMIGU MADHANAGOPALASWAMY THIRUKOIL COMPLEX,
MADURAI-1. : PETITIONER IN WMP (MD) No. 23158/2018

D. KANAGAVEL,
SHOP No. 2,
WEST VADAMPOKKE STREET,
ARULMIGU MADHANAGOPALASWAMY THIRUKOIL COMPLEX,
MADURAI-1 : PETITIONER IN WMP (MD) No. 23159/2018

- Vs. -

1 THE GOVERNMENT OF TAMILNADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
TOURISM, CULTURE AND ENDOWMENTS DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT ,
NUNGAMBAKKAM, CHENNAI.

3 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
MADURAI-1.

4 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
MADURAI-1.

5 THE EXECUTIVE OFFICER,
<https://hcservices.ecourts.gov.in/hcservices/>
ARULMIGU MADHANAGOPALASWAMY THIRUKOIL,
MADURAI-1. : RESPONDENTS 1 TO 5 IN ALL WMPs



6 NAGARAJAN,
SHOP No.1,
WEST VADAMPOKKE STREET,
ARULMIGU MADHANAGOPALASAMY THIRUKOVIL COMPLEX,
MADURAI-1.
: 6TH RESPONDENT IN

WMP (MD) Nos. 23157 & 23159/2018

7 J. RAMESH,
SHOP NO.4,
WEST VADAMPOKKE STREET,
ARULMIGU MADHANAGOPALASWAMY THIRUKOIL COMPLEX,
MADURAI-1.
: 6th RESPONDENT IN WMP (MD) No.23158/2018

Common prayer in WMPs:

To pass an order of TO ISSUE DIRECTION to the 5th respondent not to evict the petitioner from the shop premises till 31.03.2019, by granting three months of time for vacating the Shop Nos.1, 4, 2 respectively, West Vadampokke Street, Arulmigu Madhanagopalaswamy Thirukoil Complex, Madurai.

Prayer in WP (MD) No.11947/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus and call for the records relating to the order Na.Ka.No.3518 / 2013 / C1 dated 17/02/2016 passed by the 3rd respondent, the order R.P.No.114 / 2016 D2 dated 22/06/2016 passed by the 2nd respondent, the G.O.(D) No.54, Tourism, Culture and Endowments (A.Ni.5-1) Department dated 26/03/2018 issued by the 1st respondent and the consequent order Na.ka.no.1823 / 2013-4 / Aa.1 dated 12/05/2018 passed by the 4th respondent and quash the same and consequently, direct the 1st to 5th respondents to continue the lease of Shop.no.1 to petitioner duly collecting the fair in accordance with law.

Prayer in WP (MD) No.11948/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus and call for the records relating to the order Na.Ka.No. 3519/2013/C1 dated 17.02.2016 passed by the 3rd respondent, the order R.P.No. 111/2016.D2 dated 22.06.2016 passed by the 2nd respondent, the G.O(D) No. 55, Tourism, Culture and Endowments (A.Ni.5-1) Department dated 26.03.2018 issued by the 1st Respondent and the consequent order Na.Ka.No. 1828/2013-4/Aa.1 dated 12.05.2018 passed by the 4th respondent and quash the same and consequently, direct the 1st to 5th respondents to continue the lease of Shop No. 2 to petitioner duly collecting the fair in accordance with law.

**Prayer in WP(MD)No.11949/2018 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus call for the records relating to the order Na.Ka.No.3517/2013/C1 dated 17.02.2016 passed by the 3rd respondent the order R.P.No.112/2016.D2 dated 22.06.2016 passed by the 2nd respondent, the G.O.(D) No.52 Tourism, Culture and Endowments (A.Ni.5-1) Department dated 23.03.2018 issued by the 1st respondent and the consequent order Na.Ka.No.1822/2013-4/Aa.1 dated 12.05.2018 passed by the 4th respondent and quash the same and consequently direct the 1st to 5th respondents to permit to continue the lease of Shop No. 4 to petitioner by duly collecting the fair in accordance with law.

Order: These petitions are coming on for orders on this day and upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.Thirumurthy Advocate for the petitioner and of Mr.J.Gunaseelan Muthiah Additional Government Pleader for Respodents 1 to 4 and of Mr.S.Manohar Advocate on behalf of the 5th Respondent, the Court made the following order:

The learned counsel for the fifth respondent would submit that they have been permitted to stay in the premises as per Order of this Court in W.P(MD) No.5298 of 2018, till 31.12.2018.

2. During this period they shall remit rent for the month of June 2018 to December 2018 at the rate of Rs.1,200/-p.m., (Rupees Thousand Two Hundred Only). Now, the learned counsel for the petitioner seeks further time of stay for two months. They should remit Rs.5000/-p.m., for the two months extended stay. Their remittance are to be received as donation. This is purely voluntary submission made by the petitioner to make donation towards the temple. The payment/remittance of the above sums will not give or construed to give any right to the petitioners.

3. In view of the same, 2 months time is granted to the petitioner i.e., by 28.02.2019 the petitioner shall vacate the premises and handed over the key to the fifth respondent, on or before 28.02.2019. It is made clear that no further extension of time would be sought and entertained.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)



TO

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU,
TOURISM, CULTURE AND ENDOWMENTS DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT ,
NUNGAMBAKKAM, CHENNAI.

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HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
MADURAI-1.

4 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT,
MADURAI-1.

5 THE EXECUTIVE OFFICER,
ARULMIGU MADHANAGOPALASWAMY THIRUKOIL,
MADURAI-1.

+ 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 10196
+ 3 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 101981
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 24189

ORDER DATED : 27.12.2018

ORDER

WMP(MD) Nos.23157 to 23159/2018
WP(MD)Nos.11947 to 11949 of 2018

Giving directions etc., as
stated within.

TE/RSK/SAR-3 : 25/01/2019 : 4P/11C