



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.8283 of 2018
IN
WA(MD) No.490 of 2018

PONNUSAMY

... PETITIONER/APELLANT

Vs

1 THE JOINT COMMISSIONER,
TAMIL NADU HINDU RELIGIOUS CHARITABLE
ENDOWMENT BOARD, SIVAGANGAI.

2 ARUPPUKOTTAI, PULIYAMPATTI-THIRUNAGARAM,
SALIYAR MAHAJANA PARIBALANA SABAIKKU
PATHIYAPATTA ARULMIGHU MAHA KALIAMMAN,
VAGAIYARA THIRUKOVILGAL,
REPRESENTED THROUGH ITS TRUSTEE,
N.A.SUBRAMANIAM, PULIYAMPATTI,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to extend the time granted in W.A.(MD) No.490 of 2018 dated 27.03.2018 for making payment before the 2nd respondent and to file the appeal before the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

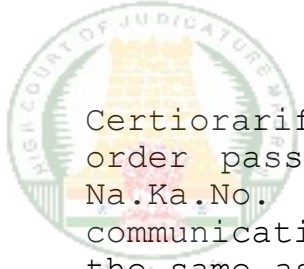
PRAYER IN WA(MD) No.490 of 2018

To call for the records pertaining to the impugned order dated 20.06.2017 passed in WP(MD) No. 11142 of 2017 and to set aside the same and consequently allow the Writ Appeal.

PRAYER IN WP(MD) . 11142/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent herein in his proceedings in Na.Ka.No. 4913/2016-6/A3 dated 10.02.2017 and the consequential communication of 2nd respondent herein dated 15.03.2017 and quash the same as illegal and further direct the respondents herein to re-fix the fair rent for door no. 27-2-52 of Aruppukottai Municipality, Virudhunagar District after issuing notice to the petitioner.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.SASIKUMAR, Advocate for the petitioner and of MR.D.MURGANANDAM, ADDITIONAL GOVERNMENT PLEADER for the R1 and MR.P.GANAPATHI SUBRAMANIAN, Advocate for R2, the court made the following order:-

This petition is filed to extend the time granted in W.A.(MD) No.490 of 2018 dated 27.03.2018 for making payment before the second respondent and to file the appeal before the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai.

2. In relation to a dispute regarding the quantum of fair rent fixed by the respondents, the petitioner has filed a writ petition in W.P.(MD) No.11132 of 2007 instead of filing appeal before the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai. The petitioner filed a writ petition and the same was dismissed with an observation to seek alternative remedy. The said order was confirmed by this Court in W.A.(MD) No. 490 of 2018 dated 27.03.2018. However, this Court gave four weeks time to the appellant to file statutory appeal before the Commissioner, Hindu Religious and Charitable Endowment Department, Madurai, under Section 34(A)(3) of the HR & CE Act. The petitioner was also directed to deposit a sum of Rs.25,000/- to the credit of the second respondent without prejudice to his rights and contentions. Since the petitioner has not complied with the direction of this Court in paying the amount and to file the appeal stipulated by this Court, this petition is filed by the petitioner.

3. Though the petitioner has given some reasons, the delay could have been avoided. Liberty given to the petitioner to avail alternative remedy is statutory remedy, provided, the petitioner files it within the prescribed time. This Court however gives liberty to file an appeal within a period of four weeks from the date of receipt of a copy of this order.

4. Considering the fact that the petitioner is likely to deprive of statutory remedy on account of the delay this Court is inclined to entertain this petition on terms. The petition seeking extension of time is allowed. Further two weeks time is granted subject to the condition that the petitioner shall deposit a sum of Rs.10,000/- directly to the District Collector, Ramanathapuram



towards rehabilitation of public, who are affected on account of the recent cyclone 'Kaja'.

sd/-
23/11/2018

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JOINT COMMISSIONER,
TAMIL NADU HINDU RELIGIOUS CHARITABLE
ENDOWMENT BOARD, SIVAGANGAI.

2 THE DISTRICT COLLECTOR,
RAMANATHAPURAM

+1. C.C. to Mr.V.SASIKUMAR Advocate SR.No.96743

ORDER
IN
CMP (MD) No.8283 of 2018
IN
WA (MD) No.490 of 2018
Date :23/11/2018

MSI/JC/SAR-II/03.12.2018-3P/4C