

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRP NPD Nos.1950 to 1952 of 2013

SRI VENKATESHWARA [PETITIONER IN CRP NPD.1950/13]
FUEL SERVICE, DEALER OF
HINDUSTAN PETROLEUM CORPORATION LTD,
REP BY ITS PARTNER K. S.THIRUMOORTHY,
NO.152, RAJA STREET,
PERUNDURAI, ERODE DISTRICT.

S.KUMARASAMY [PETITIONER IN CRP NPD.1951/13]
SECRETARY,
PERUNDURAI LORRY URIMAIYALARGAL SANGAM
PERUNDURAI, ERODE DISTRICT.

INDIAN OIL CORPORATION LTD ., [PETITIONER IN CRP NPD.1952/13]
REP BY ITS DEALER,
A.K.M. NATRAJAN CHETTIAR
BY PARTNER N. NAGENDRAN

Vs

THE EXECUTIVE OFFICER, [RESPONDENT IN ALL THE PETITIONS]
A/M. CHELLANDI AMMAN TEMPLE
PERUNDURAI TOWN, ERODE DISTRICT.

(1) Petitions under Section 34(3) of HR&CE Act R/w Article 227 of Constitution of India, filed against the order passed in D.Dis.No.28890/2005, before the Commissioner of HR & CE, Admin Department, Chennai 34 dated 28.02.2013 (in CRP.NPD.No.1950/2013),

(ii) Petitions under section 34(3) of HR & CE Act R/w Article 227 of Constitution of India) against the fair and final order passed in D.Dis.No.28892/2005, before the Commissioner of HR & CE, Admin Department, Chennai-34, dated 28.02.2013 [in CRP [NPD] No.1951 of 2013] and

(iii) Petitions under section 34(3) of HR & CE Act R/w Article 227 of Constitution of India) against the fair and final order passed in D.Dis.No.28893/2005, before the Commissioner of HR & CE, Admin Department, Chennai-34, dated 28.02.2013 [in CRP [NPD] No.1952 of 2013] respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.V.S.USHA RANI, Advocate for the petitioner in each the petitions the court made the following order:-

The learned Counsel appearing for the petitioner in C.R.P.No.1950 of 2013 seeks eight weeks time to deposit Rs.30,00,000/- in this case. On such deposit, the temple will redo the exercise in fixing the rate as per G.O.M.S.No.456 and 353 dated 09.11.2007 and 04.06.1999 respectively.

2. Similarly, the learned Counsel for the revision petitioner also submits that as far as C.R.P.No.1952 of 2013 is concerned, they are ready to deposit Rs.10,00,000/-. On such deposit, the temple may refix the rent as per the said Government orders.

3.As far as, C.R.P.No.1951 of 2013 is concerned, the contention of the learned Counsel for the revision petitioner is that the land under question is only a vacant land and it is not used by any other parties. Further, it is submitted that only a part of the property has been surrendered in the year 2017 which has been disputed by the other side.

4.Considering the above submissions, the revision petitioner in C.R.P.No.1950 of 2013 shall pay Rs.30,00,000/- to the respondent on or before 05.04.2019. Similarly, the petitioner in C.R.P.No.1952 of 2013 shall also deposit Rs.10,00,000/- before such date. As far as C.R.P.No.1951 of 2013 is concerned, having taken a stand that the vacant land is of no use and part of the property has already been handed over to the temple, they are directed to hand over the remaining portion of the land to the temple before 05.04.2019.

5. This order has been passed taking into consideration of the fact that in earlier occasion, writ petitions have been filed by the revision petitioners in C.R.P.No.1950 & 1952 of 2013 wherein, they have given a specific undertaking before this Court in W.P.Nos.26653 & 26656 of 2018 that they will deposit a sum of Rs.25,00,000/- and Rs.10,00,000/- respectively. Though they have given such undertaking, they have not deposited the amount. Hence, the above directions have been passed.

6.Post on 08.04.2019 for compliance.

-sd/-
04/03/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE COMMISSIONER,
HR & CE ADMINISTRATION DEPARTMENT,
CHENNAI 34.

C.C. to M/S.K.ASHOK KUMAR Advocate SR.Nos.3188 to 3190

Order

in

CRP NPD Nos.1950 to 1952 of 2013

Date :04/03/2019

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