



WEB COPY

W.P(MD)No.23454 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P (MD)No.23454 of 2019

and

WMP (MD)No.20100 of 2019

Sulthan

.. Petitioner

Vs.

1.State of Tamil Nadu,
rep.by the District Collector,
Collectorate, Trichirapalli.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
1st floor Neelagrieswarar Thoppu,
Theppakulam Street,
Thiruvanaikovil,
Trichy District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Pudukottai.

4.The Idol of Arulmighu Aranthangi
Veeramakaliamman Kovil,
rep.by its Executive Officer,
Aranthangi - 614 616,
Pudukottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Notice dated 29-10-2019 issued by the 4th respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently direct the respondents to permit the petitioner to continue the premises pertaining to the property in S.F.No.3/12, Old S.F.No.3/5 to an extent of acre 0.20 situated at Aranthangi, Pudukottai District.

For Petitioner	: Mr.N.R.Murugesan
For R1 to R3	: Mrs.J.Padmavathi Devi Special Government Pleader
For R4	: Mr.G.Mathavan



ORDER

This writ petition has been filed challenging the impugned notice issued by the fourth respondent dated 29.10.2019 and a consequential direction to the respondents to permit the petitioner to continue the premises pertaining to the property in S.F.No.3/12, Old S.F.No.3/5 to an extent of 0.20 acre, situated at Aranthangi, Pudukottai District.

2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents 1 to 3 and Mr.G.Mathavan, learned counsel takes notice on behalf of the fourth respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The fourth respondent has issued the impugned notice, demanding arrears of rent from the petitioner, failing which, action under Sections 78 and 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 will be taken.

4.According to the petitioner, the demand is exorbitant and the notice issued by the fourth respondent is very vague and therefore, it should be interfered with.

5.On the other hand, the learned counsel appearing for the fourth respondent produced the breakup details of arrears payable from the year 2005 onwards.

6.The said factual dispute has to be resolved only before the respondents in accordance with the HR & CE Act, 1959. In the case of initiation of proceedings under Sections 78 and 79 of the Act, it is open to the petitioner to challenge the same by way of filing an appeal before the authority concerned. The present writ petition, at the stage of issuance of notice is not maintainable and accordingly it is dismissed. No costs. Consequently, WMP(MD)No.20100 of 2019 is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The District Collector,
State of Tamil Nadu,
Collectorate, Trichirapalli.



2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
1st floor Neelagrieswarar Thoppu,
Theppakulam Street,
Thiruvanaikovil, Trichy District.

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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Pudukottai.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-96609[F] dated 07/11/2019)
+1 CC to M/s.N.R.MURUGESAN, Advocate(SR-96859[F] dated 08/11/2019)
+1 CC to M/s.SPL GP (SR-96966[F] dated 08/11/2019)

W.P (MD) No.23454 of 2019
07.11.2019

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