



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. [MD]No.26078 of 2019

and

W.M.P. [MD]No.22566 of 2019

K.R.Saravanan

: Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

: Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 25.11.2019 in proceedings R.C.No.6302/2019/D2, quash the same as the same is arbitrary, ultravires, contrary to Sec.34-A of Act 22/1959 and consequentially direct the first respondent to number and dispose off the appeal filed by the petitioner without insisting on pre-deposit in respect of the shop comprised in Door.No.77, East Masi Street, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This writ petition has been filed for a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 25.11.2019 in proceedings R.C.No.6302/2019/D2, quash the same as the same is arbitrary, ultravires, contrary to Sec.34-A of Act 22/1959 and consequently direct the first respondent to number and dispose off the appeal filed by the petitioner without insisting on pre-deposit in respect of the shop comprised in Door.No.77, East Masi Street, Madurai.



2.Heard Mr.R.G.Shankar Ganesh, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

3.The petitioner is in possession and enjoyment of the property belonging to the second respondent temple under the capacity of a tenant and has been paying the monthly rent of Rs.4715/-. Now, the question involved here is about the pre-deposit of arrears to decide the admissibility of the appeal filed by the petitioner.

4.Without going into the merits of the case, this Court heard the learned Counsel appearing on either side for some time. It is agreed by the learned Counsel appearing for the petitioner that the petitioner would deposit 50% of the arrears upto 30.11.2019, which comes to Rs.1,50,000/- and continue to pay the revised rent of Rs.12,300/- p.m., pending proceedings.

5.The petitioner undertakes to pay the above sum within a period of fifteen [15] days from today. On such deposit, the first respondent is directed to number the appeal and dispose of the same within a period of three weeks from the date of deposit.

6.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

2.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple, Madurai.

+1CC TO MR.R.G.SHANKAR GANESH, Advocate Sr. No. 104243

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 104679

W.P. [MD]No.26078 of 2019

10.12.2019

DB (CO)

TR(12.12.2019) 2P 5C