



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.26859, 26862 & 26877 of 2019

and

WMP(MD)Nos.23199, 23200 & 23220 of 2019

B.Mohan .. Petitioner in WP(MD)No.26859/2019
A.Ravi .. Petitioner in WP(MD)No.26862/2019
Geetha .. Petitioner in WP(MD)No.26877/2019

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment,
The Administration Department,
Chennai - 34.

2.The Joint Commissioner,
O/o.Joint Commissioner,
Hindu Religious & Charitable Endowment,
Madurai.

3.The Fit Person,
Arulmigu Santhakulam Sowmiya Narayana
Narayana Kavaraya Trust,
No.1, Gandhi Road,
Palani, Dindigul District.

4.T.Mani
The Managing Trustee,
Arulmigu Santhakulam Sowmiya Narayana
Narayana Kavaraya Trust,
No.1, Gandhi Road,
Palani, Dindigul District.

... Respondents in all the writ petitions.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to collect the rent for the petitioners' shop in Shop Nos.1/2, 1/1 and 1/10 respectively at Gandhi Road, Palani Town, Dindigul District within the time frame fixed by this Court.

For Petitioners: Mr.T.Lajhapathi Roy

For Respondents: Mr.V.R.Shanmuganathan
in all the writ petitions.



COMMON ORDER

The prayer in these writ petitions is for issuance of a writ of mandamus directing the third respondent/fit person to collect rent for the petitioners' shops in Shop Nos.1/2, 1/1 and 1/10 respectively at Gandhi Road, Palani Town, Dindigul District.

2.The case of the petitioners is that they have been in occupation of the said shops as licencees and they have been periodically paying their rents. Suddenly, the fourth respondent refused to receive the rent and also issued a notice, calling upon the petitioners to produce a copy of the rent deed and also pay the arrears of rent upto date, failing which, proceedings under Section 78 of the HR & CE Act, 1959 will be initiated, deeming them to be the encroachers. The said notice had triggered the filing of these writ petitions.

3.In WP(MD)Nos.26859 and 26862 of 2019, the arrears was stated to be paid Rs.27,100/- upto 30.06.2019. The third respondent/fit person was directed to file a calculation memo mentioning the arrears upto date with respect to the said writ petitions. As per which, the rent payable upto 31.12.2019 is Rs.32,400/-. In so far as the other writ petition in WP(MD)No.26877 of 2019 is concerned, the arrears upto 31.12.2019 is Rs.6,000/-. The petitioners had even annexed copies of rent deeds in the typed set. Though the agreements were executed in the year 2007, thereafter, they have not been renewed.

4.In view of the above, the petitioners are directed to pay the aforesaid arrears of Rs.32,400/- and Rs.6,000/- respectively within a period of two weeks from the date of receipt of a copy of this order. The notice dated 19.10.2019 issued by the fourth respondent itself is only on condition that arrears should be paid and copies of the rent deed be produced. In compliance, if the petitioners produce copy of rent deeds and pay the arrears before the third respondent, the notice dated 19.10.2019 deemed to be withdrawn, failing which, the same remains unaltered.

5.The writ petitions are disposed of with the above direction. No costs. Connected WMP(MD)Nos.23199, 23200 & 23220 of 2019 are closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2020

Sub Assistant Registrar(CS)



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To

1.The Commissioner,
Hindu Religious & Charitable Endowment,
The Administration Department,
Chennai - 34.

2.The Joint Commissioner,
O/o.Joint Commissioner,
Hindu Religious & Charitable Endowment,
Madurai.

+1 CC to M/s.M.MUTHUGEETHAYAM, Advocate (SR-105745[F]

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-105854[F]

+3 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-105068 TO 106067

+1 CC to M/s.SPL.GP (SR-106447[F]

W.P(MD)Nos.26859, 26862 & 26877 of 2019

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