

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.Nos.4558 & 4562 of 2020
and
W.M.P.Nos.5403 and 5406 of 2020

Elayappan .. Petitioner in W.P.No.4558 of 2020

Jagir .. Petitioner in W.P.No.4562 of 2020

..Vs..

1. The Secretary to Government,
Tamil Culture Development & Religious Endowment Dept.,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 034.

3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 636 001.

4. Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dharmapuri - 636 701.

5. Fit Person/Executive Officer,
A/M. Karaga Samundiamman Temple,
Krishnagiri - 635 001.

.. Respondents in both W.Ps

Common Prayer : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents and servants or anybody claiming through them or under them in any manner, interfering with the peaceful possession and enjoyment of the

petitioners shops along with the superstructure having an extent of 331 Sq.ft., 315 Sq.ft., and in T.S.No.11/7, Ward - C, Block - 14, situated at Chennai Salai, Krishnagiri Town and Taluk.

For Petitioners
in both W.Ps : Mr.W.M.Abdul Majeed

For Respondents : Mr.M.Karthikeyan
in both W.Ps Special Government Pleader

COMMON ORDER

The petitioners claimed that they have been in possession by running shops in the land belonging to the 5th respondent namely A/m.Karaga Samundiamman Temple at Krishnagiri. There have been continuous proceedings between the petitioners and the respondents. Finally, the 2nd respondent namely the Commissioner, HR & CE Department, appears to have passed an order adverse to the petitioners.

2. As against the said order, the petitioners have filed Revision petitions before the 2nd respondent namely the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai. It is claimed by the learned counsel for the petitioner that the Revision Petitions are still pending.

3. However, even before filing the Revision Petitions, questioning the order of the Commissioner, Hindu Religious and Charitable Endowment Department, the Writ petitioners had earlier approached this Court by way of filing writ petitions. In the Writ Petitions, orders to the satisfaction of the petitioners were not passed. Thereafter, they have filed Writ Appeals. In the writ appeals, they were directed to deposit 50% of the arrears of rent and thereafter file a Revision Petition. It is claimed by the learned counsel for the petitioners that both the petitioners have deposited 50 % of the arrears.

4. The learned Special Government Pleader is also present before this Court. On instructions, he stated that very recently, just before the filing of the Writ Petitions, the petitioners have deposited 50% of the rental arrears.

5. It is made clear that the petitioners must continue to pay the amount as claimed by the respondents.

6. The 1st respondent is directed to dispose of the Revision Petitions which are pending on or before 31.03.2020. If the rents are being paid without default, no coercive action can be

initiated against the petitioner, till the disposal of the Revision Petitions.

6. With the above direction, these Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government,
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Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
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A/M. Karaga Samundiamman Temple,
Krishnagiri - 635 001.

+2cc to Mr.W.M.Abdulmajeed, Advocate, S.R.No. 16921, 16920
+1cc to the Special Government Pleader, S.R.No. 17934

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SVI (CO)
GN(09/03/2020)