

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2020

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.2084 of 2020
in
C.S.No.177 of 1939

K.Lalitha

... Applicant

Vs.

Administrator and Official Trustee of
Tamil Nadu,
High Court Campus, Chennai-600 104.

.. Respondent

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and the application is filed praying to direct the respondent to issue licence for a period of five years from the date of total lifting of lock down with a condition directing the applicant to pay a sum of Rs.76.24 lakhs per year towards licence fee/lease amount for performing Poojas and Hundial collections for the Body Guard Muneeswarar Temple situated at Pallavan Salai, Chennai, by instalments after deducting the amount already paid for the period from 22.02.2020 to 30.04.2020.

For applicant : Mr.S.Sadasharam

For respondent: Mr.P.Murugan, A.G. & O.T.

ORDER

This application is filed by the applicant praying to direct the respondent to issue licence for a period of five years from the date of total lifting of lock down with a condition directing the applicant to pay a sum of Rs.76.24 lakhs per year towards licence fee/lease amount for performing Poojas and Hundial collections for the Body Guard Muneeswarar Temple situated at Pallavan Salai, Chennai, by instalments after deducting the amount already paid for the period from 22.02.2020 to 30.04.2020.

2. The case of the applicant as culled out from the affidavit filed in support of the application, in a nut-shell, is as follows:

(a) The Body Guard Muneeswarar Temple at Pallavan Salai, Chennai, stood established in the platform of Pallavan Salai, facing East and the said Temple is one of the established charities of Madras Ordnance Pensioned Lascars Charities, which is a Society registered under Act 21 of 1860 and the said Temple is owned by the above said Society and its administration is governed by the Scheme Decree dated 01.08.1941 passed in C.S.No.177 of

1939, and it is now under the control of the respondent. The Temple stands established in an extent of 64 feet of land in the platform with a Hundial box maintained at the premises. The Temple stands established more than 300 years ago in the said premises. The applicant's deceased father had been maintaining the Temple after the applicant's grandfather and thereafter, the applicant's mother obtained licence from the respondent following the direction of this Court and then, from 2012, the applicant had been maintaining the Temple by obtaining licence from the respondent following the order of this Court.

(b) On earlier occasions, the licence was granted for a period of three years making provisions for payment of amount by instalments considering the pathetic condition of the applicant's ancestors. An order was passed by this Court on 02.07.1998 in A.No.1187 of 1998, whereby the applicant's father Late Loganathan was permitted to obtain licence for a period of three years commencing from 01.01.1998 to 31.12.2000. The licence had been granted by the respondent on the directions of this Court periodically. For the period from 01.05.2019 to 30.04.2020, for the grant of licence for performance of Poojas and collection of Hundial amount, the highest bidder

being the applicant was for Rs.76.20 lakhs, and she was permitted to pay the said amount by instalments on 10.05.2019, 10.08.2019, 10.11.2019 and 10.02.2020. As no one except the applicant took part in the auction process, the applicant offered to pay Rs.76.20 lakhs, which was accepted and adding Rs.4,000/- over and above Rs.76.20 lakhs, the applicant was directed to pay the said amount of Rs.76.24 lakhs by instalments, namely on or before 10.05.2019, 10.08.2019, 11.10.2019 and 10.02.2020. The above said total amount of Rs.76.24 lakhs had been paid upto 20.02.2020, apart from which, a sum of Rs.13.73 lakhs had been paid towards GST.

(c) However, due to Covid-19 lock-down, the applicant had to keep the said Temple activities closed and the Temple was also kept locked. The applicant had made all arrangements to safeguard the said Temple, by putting up barricades and fencing around the Temple, so that nobody can intrude into the premises of the Temple. The applicant had employed 32 individuals, namely 4 Poojaris, 3 security men, 10 persons for cleaning and regulating parking of vehicles and 15 individuals to conduct Poojas in respect of the vehicles. Even though the Temple was kept locked, the Poojars were paid in full and for others, half payment was made and thus,

30 families are totally depending upon the income of the Temple.

(d) From 22.03.2020 till date, there are no Pooja activities and Hundial collections as the Temple was kept locked, though the licence amount had been paid upto 30.04.2020. As such, it has become necessary for the applicant to obtain licence to conduct Poojas and to maintain the Hundials for a continuous period of five years from the date when the lock-down is totally lifted, so that the applicant will be able to secure reasonable amount in the process of conducting Poojas and also to maintain the Temple and also for selling the Pooja materials to enable the customers to have access to the Temple to conduct the Poojas. Hence, the applicant prays that licence for a further period of five years may be granted in favour of her, by taking into consideration the grievances and loss incurred and also the expectations of the individuals employed by the applicant for necessary purposes attached to the maintenance of the Temple.

3. Heard the learned counsel appearing for the applicant and also the learned A.G. & O.T. and perused the materials available on record.

4. Taking into consideration the fact that the Temple had been

administered by the applicant and her family for a long time, this Court grants/extends the licence to the applicant for a period of one year from 01.05.2020 to 30.04.2021 on payment of Rs.85 lakhs being the annual licence fee with 18% G.S.T. on the same for performing Poojas and maintaining Hundial collections for the Body Guard Muneeswarar Temple situated at Pallavan Salai, Chennai, and the said amount of Rs.85 lakhs is directed to be paid in four equal instalments, the first one being 31.12.2020, the second one being 31.01.2021, the third one being 28.02.2021 and the last one being 30.04.2021.

5. This application is ordered in the above terms.

18.12.2020

Speaking Order: Yes

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To

The Administrator General and Official Trustee of
Tamil Nadu,
High Court Campus, Chennai-600 104

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