



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

CORAM

THE HONOURABLE MR. JUSTICE **ABDUL QUDDHOSE**

W.P(MD) No.15700 of 2020

A.N.Mohamed Atham

.. Petitioner

Vs.

1.The Joint Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Ellish Nagar,
Madurai.

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to allot an alternate space for lease at Ezhukadal Street, Madurai or any other place for lease to the petitioner, to shift the petitioner from Door No.283B, East Avani Moola Street, Madurai for carrying on the business on the basis of the petitioner representation dated 26-10-2020.

For Petitioner : Mr.R.G.Shankar Ganesh

For R1 : Mr.K.P.Narayanakumar
Special Government Pleader

For R2 : Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

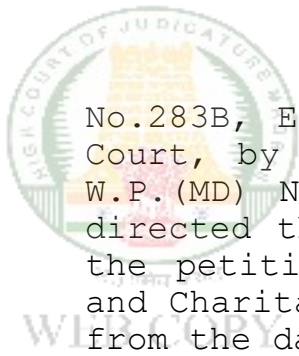
(This writ petition is heard through video conference)

This writ petition has been filed for a mandamus seeking for a direction to the 2nd respondent to allot an alternate space for lease at Ezhukadal Street, Madurai or any other place for lease to the petitioner, enabling him to shift from Door No.283B, East Avani Moola Street, Madurai, based on the petitioner's representation dated 26.10.2020.

2.Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader for the 1st respondent and Mr.V.R.Shanmuganathan, learned Standing Counsel for the 2nd respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.It is the case of the petitioner that he is presently a tenant under the 2nd respondent temple, occupying the house in Door



No.283B, East Avani Moola Street, Madurai. According to him, this Court, by common order dated 13.10.2020, in the writ petitions in W.P.(MD) Nos.14313 and 14315 of 2020 filed by the petitioner, had directed the 1st respondent to dispose of both the appeals filed by the petitioner, under Section 80 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, within a period of three months from the date of receipt of a copy of that order.

5. According to the petitioner, he has been called upon to vacate the aforementioned premises only on the ground that the ambiance of the temple is being marred. The petitioner has now given a representation on 26.10.2020 to the 2nd respondent seeking for allotment of alternate space on lease at Ezhukadal Street, Madurai or any other place for lease enabling him to shift from Door No.283B, East Avani Moola Street, Madurai, in which the petitioner is in occupation, at present, as lessee under the 2nd respondent.

6. It is the contention of the petitioner that similarly placed tenants have also been allotted alternate space. It is his further contention that till date, the representation of the petitioner dated 26.10.2020 has not been considered by the 2nd respondent. In such circumstances, this writ petition has been filed.

7. The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner seeking for alternate space is considered by the respondents on merits and in accordance with law.

8. Admittedly, the petitioner is in occupation of the premises at Door No.283B, East Avani Moola Street, Madurai, which is owned by the 2nd respondent temple and the said property is the subject matter of the proceedings initiated by the 1st respondent under Section 81 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 and the same is now pending on the file of the Commissioner of Tamilnadu Hindu Religious and Charitable Endowments Department, Chennai, under Section 21 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, pursuant to the directions issued by this Court on 13.10.2020 in W.P.(MD) Nos.14313 and 14315 of 2020.

9. It is also not disputed by the respondents that the petitioner has not defaulted in payment of rent to the 2nd respondent temple, in respect of Door No.283B, East Avani Moola Street, Madurai. The petitioner claims that he and his ancestors are in possession of the aforementioned property for the past 50 years. The petitioner, now, through his representation dated 26.10.2020 seeks for alternate space on lease instead of the house bearing Door No.283B, East Avani Moola Street, Madurai. No prejudice will be caused to the respondents, if the representation of the petitioner dated 26.10.2020 is considered by them on merits and in accordance



10.For the foregoing reasons, this Court directs the 2nd respondent to consider the petitioner's representation dated 26.10.2020, seeking for alternate space on lease at Ezhukadal Street, Madurai or any other place on lease to the petitioner in order to shift from Door No.283B, East Avani Moola Street, Madurai and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

11.It is made clear that the order passed in this writ petition will not prejudice the right of the petitioner and the respondents, insofar as the appeal pending on the file of the Commissioner of Tamilnadu Hindu Religious and Charitable Endowments Department, Chennai, under Section 21 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, pursuant to the directions issued by this Court dated 13.10.2020 in W.P.(MD) Nos.14313 and 14315 of 2020, is concerned.

12.With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Joint Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Ellish Nagar,
Madurai.

+1 CC to M/s.SPL GP (SR-21903[F] dated 11/11/2020)

W.P(MD).No.15700 of 2020
09.11.2020

CK(CO)

KB(18.11.2020) 3P 3C