



WEB COPY

W.P.(MD).No.18078 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.18078 of 2020

and

W.M.P. (MD).No.15067 of 2020

M.Navaneethakrishnan

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Board,
Madurai.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Board,
Madurai.

4.The Executive Officer,
A/m. Vinayagar Veerabathra Swami Thirukovil,
Samayanallur,
Madurai North Taluk,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 01.11.2020 of the 4th respondent and quash the same and consequently direct the respondents to hand over the possession in the S.No.54/2A as per the rental agreement dated 16.12.2019.

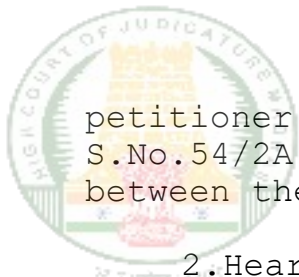
For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mr.K.P.Narayana Kumar for R1 to R3
Special Government Pleader
Mr.S.Manohar, Standing Counsel for R4

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed challenging the order, dated 01.11.2020, passed by the fourth respondent, calling upon the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner to pay arrears of rent in respect of the property in S.No.54/2A as per rental agreement, dated 16.12.2019, entered into between the petitioner and the fourth respondent.

2.Heard Mr.S.Satheesh Kumar, learned counsel for the petitioner, Mr.K.P.Narayana Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.S.Manohar, learned Standing Counsel, who accepts notice on behalf of the fourth respondent.

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

4.It is the case of the petitioner that despite succeeding in the auction and despite having paid an advance amount to the fourth respondent, till date, he is unable to take possession of the above mentioned property from the fourth respondent, in view of the claim made by the National Highways Department over the same land. Therefore, according to the petitioner, the impugned demand, dated 01.11.2020, is arbitrary and illegal.

5.The learned counsel for the petitioner, on instructions would submit that the petitioner is no more interested in taking lease of the aforementioned property from the fourth respondent. However, he submits that the petitioner has paid a rental advance of Rs.10,000/- to the fourth respondent for taking the aforementioned property on lease, which has to be refunded.

6.Mr.S.Manohar, learned Standing Counsel appearing for the fourth respondent would submit that they will consider the petitioner's representation seeking for refund of rental advance as and when such a representation is given to the fourth respondent.

7.After recording the statement of the respective counsels for the petitioner and fourth respondent, the writ petition is disposed of by issuing the following directions.

a) The impugned demand dated 01.11.2020, is hereby quashed as the petitioner has not taken possession of the property and he has also undertaken before this Court that he is no more interested in taking lease of the said property.

b) In so far as the submission made by the learned counsel for the petitioner as regards refund of the advance amount is concerned, the fourth respondent shall refund the advance amount of R.10,000/- to the petitioner as and when a written representation is given by the petitioner to them, within a period of two weeks from the date of receipt of the said representation.

c) The fourth respondent is at liberty to auction the property <https://www.hcma.gov.in> as service <https://www.hcma.gov.in> agreed to be let out to the petitioner under the



rental agreement dated 16.11.2019, in view of the fact that the petitioner is not interested in taking the said property on lease. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

TM

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

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Board,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Board,
Madurai.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Board,
Madurai.

+1 CC to Mr.S.MANOHAR, Advocate (SR-25042[F] dated 11/12/2020)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-25190[F] dated 11/12/2020)

**W.P. (MD) .No.18078 of 2020
10.12.2020**

VB (23.12.2020) 3P 6C