



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)NOs.25373 and 25374 OF 2019

and

W.M.P(MD)Nos.21936 and 21937 of 2019

1.Ravichandran :Petitioner in W.P(MD)No.25373 of 2019

2.K.Hari :Petitioner in W.P(MD)No.25374 of 2019

.VS.

1.The Joint Commissioner/Executive
Officer,
Kanyakumari District Temples,
Susindrum, Agastheeswaram Taluk,
Kanyakumari District.

2.The Manager,
Arulmighu Mahadevar Temple,
Thiruparappu,
Kanyakumari District.

: Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent, dated 19.10.2019 in respect of Shop Nos.14 and 13 and to quash the same and consequently to direct the respondents to extend the lease period in respect of Shop Nos.14 and 13 at Arulmighu Mahadevar Temple, Thirparappu, Kanyakumari District by fixing appropriate rent in terms of G.O.No.456, Tamil Development and Hindu Religious and News(Ani-4-2)Department, dated 9.11.2007.

For Petitioner
in both W.Ps'

:Mr.R.Murali

For Respondents
in both W.Ps'

:Mr.K.Sathiya Singh
Standing Counsel

COMMON PRAYER

These two writ Petitions have been filed seeking to quash the proceedings of the second respondent, dated 19.10.2019 in respect of Shop Nos.14 and 13 and consequently to direct the respondents to extend the lease period in respect of Shop Nos.14 and 13 at Arulmighu Mahadevar Temple, Thirparappu, Kanyakumari District by



fixing appropriate rent in terms of G.O.No.456, Tamil Development and Hindu Religious and News(Ani-4-2)Department, dated 9.11.2007.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.In these two Writ Petitions, the Petitioners are licensees of Shop Nos.13 and 14 belonging to Arulmighu Mahadevar Temple, Thiruparappu, Kanyakumari District.

4.It is stated that the respondents gave permission to the Petitioners in the year 2017 to occupy the shop Nos.13 and 14 and to start their business. However, the Village Panchayat, Thiruparappu had put up a Ticket Collection Counter in-front of Shop Nos. 13 and 14.The permanent building constructed by the Village Local Body in-front of the Petitioners' shops had forced them to close the shops, as the customers have no ingress and egress to the said shops. Though the respondents 1 and 2 are fully aware of the factual position, they did not come to the rescue of the Petitioners. Therefore, the learned counsel for the Petitioners is requesting to refund the security deposit made in respect of their respective shops from the respondents.

5.The learned Standing Counsel appearing for the respondents also confirmed the statement made by the Petitioners that they were unable to do any business in Shop Nos.13 and 14, as there was a total blockage of the front portion of the shops because of the construction put up by the Village Local Body for Ticket Collection Counter. It is further stated that in view of the above factual scenario that the Petitioners are unable to use the premises for the purpose for which they have taken the licence, the respondents cannot demand rent or even arrears of rent from the Petitioners. The learned counsel for the respondents also accepted the fact that they are willing to refund the security deposit received from these two petitioners.

6.Since the Petitioners could not do any business in the said premises, extending the lease of the same premises does not arise. Therefore, the respondents are directed to refund the security deposit to the Petitioners immediately.

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

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The Joint Commissioner/Executive
Officer,
Kanyakumari District Temples,
Susindrum, Agastheeswaram Taluk,
Kanyakumari District.

2.The Manager,
Arulmighu Mahadevar Temple,
Thiruparappu,
Kanyakumari District.

+2 CC to M/s.K.SATHIYASINGH, Advocate (SR-1133 & 1134[F]
dated 09/01/2020)

COMMON ORDER MADE IN
W.P (MD) NOS.25373 and
25374 OF 2019
and
W.M.P (MD) Nos.21936 and
21937 of 2019
08.01.2020

vsn

SDS (28.01.2020) 3P-5C