



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.9761 of 2015

And

WMP Nos.1 and 2 of 2015

A.Mahalakshmi

...Petitioner

vs.

The Executive Officer,
Arulmigu Petttai Mariyamman
and Mahaliyamman Thirukoil,
Kangayam Town,
Tiruppur District.

...Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in his proceedings No.Nil, dated 14.01.2011 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.R.R.Arun Natarajan

O R D E R

The order impugned was issued by the respondent on 14.01.2011 stating that the petitioner has to pay the rent for the shop belongs to the temple.

2. The impugned order was passed in the year 2011. The writ petition itself was filed after the lapse of four years from the date of passing of the impugned order.

3. As per the provisions of the Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as the 'Act', in short] for every three years the fair rent is to be fixed by following the procedures contemplated under Section 34-A of the Act.



4. It is not made clear as to whether actions are initiated under Section 78 of the Act.

5. Under these circumstances, the petitioner is bound to settle the arrears of rent and other charges immediately, failing which the respondent has to initiate further action to evict the petitioner by following the procedures contemplated under Section 78 of the Act. Thus, the petitioner is provided with an opportunity to settle the arrears of rent.

6. The learned counsel, appearing on behalf of the respondent, made a submission that as of now the petitioner is liable to pay the arrears of fair rent to the tune of Rs.1,56,000/-.

7. Thus, the petitioner is directed to pay the arrears of rent of Rs.1,56,000/-, within a period of fifteen days from the date of receipt of a copy of this order, failing which the Authorities Competent are directed to evict the petitioner by following the procedures as contemplated under Section 78 of the Act, expeditiously.

8. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

The Executive Officer,
Arulmigu Pettai Mariyamman and
Mahaliyamman Thirukoil,
Kangayam Town, Tiruppur District

+1CC to Mr.C.Prakasam, Advocate, Sr.No.49625

+1CC to Mr.Government Pleader, Sr.No.49618

WP 9761 of 2015

SSV (CO)

K.RK. (05.10.2021)