



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Eighth day of April
Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.4200 and 4201 of 2021
in
C.R.P. (MD).No.1251 of 2019

N.Thirunavukarasu(Died),

T.Palaniappan
S/o.Thirunavukarasu
M/s.Vimala and Co.
D.No.359 East Masi St.
Madurai.

(Cause Title Accepted Vide Court
Order Date 23-04-2021 Made in CMP(MD). No.1034 of 2021 in
C.R.P. (MD).No.1251 of 2019 ... Petitioner/Third party
(in both Petitions)

Vs

- 1 The Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Madurai.
- 2 The Executive Officer,
Arulmigu Madhanagopala Swamy Temple,
West Masi St.
Madurai.
- 3 The Fit Person
Arulmigu Madhanagopala Swamy Temple,
West Masi St.
Madurai.
- 4 The District Registrar,
Madurai South Madurai. ... Respondents/Respondents
(in both Petitions)

Prayer in CMP.No.4200 of 2021:-

This Petition filed under section 151 of the Civil
Procedure Code to clarify that notice of any subsequent proceedings
between the father of the petitioner, deceased Thirunavukarasu and
the respondents to be given to the petitioner



Prayer in CMP(MD). 4201/ 2021 :

This Petition filed under section 148 of the Civil Procedure Code for extending the time for complying with the condition of deposit of Rs.1,75,000 as a condition precedent for hearing before the fair rent fixation committee

Prayer in CRP(MD). 1251/ 2019 :

This Civil Revision Petition is filed under section 34 A(5) of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959r/w Article 227 of the Constitution of India as against the order dated 08.11.2018 passed in A.P.No.50 of 2017 D2 by the Commissioner, Hindu Religious and Charitable Endowments Department confirming the order dated 06.02.2017 in Moo.Mu.No.6259/2016-2/A4 passed by the 1st Respondent enclosing the fair rent schedule fixed by the fair rent fixation committee consisting of respondents 1 to 4.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.T.R.Jeyapalam, Advocate for the Petitioner and of Thiru.K.P.Naryana Kumar, Special Government Pleader for the first respondent, Thiru.S.Manohar, Advocate for the second and third respondents and of Thiru.K.Sathiya Singh Additional Government Pleader for the fourth respondents, this Court made the following order:

Heard both sides.

2. This Court vide order dated 10.12.2020 remanded the matter to the Fair Rent Committee and directing the revision petitioner to deposit a sum of Rs.1,75,000/- on or before 14.01.2021 and on such deposit, directed the Fair Rent Committee to issue a notice to the petitioner by fixing the date of hearing and to dispose of the matter within a period of one month from the date on which the committee accords hearing to the revision petitioner.

3. It is the specific case of the revision petitioner that on the night of 10.12.2020, the date of order, the revision petitioner had died and hence, he was forced to file the petition to get clarification.

4. The learned counsel appearing for the revision petitioners would submit that he is having Demand Draft for a sum of Rs.1,75,000/- as ordered by this Court and is ready to deposit the same immediately with the Temple Authority, for which, the learned counsel appearing for the respondents 2 and 3 has no objection.

5. The revision petitioner is directed to deposit the Demand Draft with the Temple Authority within a week and on such deposit, the Fair Rent Committee is directed to issue a notice to



the petitioner herein and also dispose of the matter within a period of one month from the date of notice issued to the petitioner herein.

6. The learned counsel appearing for the petitioner would further submit that daughter of the deceased, the other legal heir is in abroad and undertakes to file No objection affidavit of daughter of the deceased before the Fair Rent Committee and the said undertaking is recorded.

7. With the above observations, these petitions are ordered.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Joint Commissioner
Hindu Religious and Charitable Endowment
Department Madurai.
2. The Executive Officer,
Arulmigu Madhanagopala Swamy Temple,
West Masi Street, Madurai.
3. The Fit Person
Arulmig Madhanagopala Swamy Temple,
West Masi Street, Madurai.
4. The District Registrar,
Madurai South Madurai.

+1 CC to Mr.T.R.JEYAPALAM,, Advocate SR.No. 18139

ORDER DATED : 28/04/2021

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ORDER

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CMP(MD). No.4200 and 4201 of 2021
in C.R.P.(MD).No.1251 of 2019

Giving direction and etc.
as stated within.

KM(CO)

TR(18.05.2021) 3P 6C

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