



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM:

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**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD).No.6391 of 2021

and

W.M.P.(MD),No.4990 of 2021

Nambirajan

... Petitioner

Vs.

1. The Joint Commissioner,  
The Hindu Religious and Charitable Endowments Department,  
(Arulmigu Sangara Rameshwarar Thirukovil, Thoothukudi),  
Tirunelveli District.
2. The Assistant Commissioner,  
The Hindu Religious and Charitable Endowments Department,  
(Arulmigu Sangara Rameshwarar Thirukovil, (Thoothukudi),  
Thoothukudi District.
3. The Executive Officer,  
Arulmigu Sangara Rameshwarar Thirukovil, (Thoothukudi),  
Thoothukudi District. ... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records as pertaining to impugned order passed by the third respondent dated 08.02.2021 and quash the same as illegal and arbitrary and consequently direct the respondents to fix the fair rent by following G.O.Ms.No.456, dated 09.11.2007.

|                |                        |
|----------------|------------------------|
| For Petitioner | : Mr.S.Muthumalai Raja |
| For R-1 & R-2  | : Mr.M.Lingadurai      |
|                | Government Advocate    |
| For R-3        | : Mr.M.Muthugeethayan  |

**ORDER**

The subject matter of challenge in the present Writ Petition is the impugned communication of the third respondent, dated 08.02.2021.

2. When the matter came up for hearing on 09.04.2021, this Court after going through the counter affidavit filed by the third respondent, passed the following order:-

" A counter affidavit has been filed by the



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third respondent and on going through the counter affidavit, this Court does not find any ground to interfere with the impugned order passed by the third respondent. The amount has been fixed by the third respondent in accordance with law.

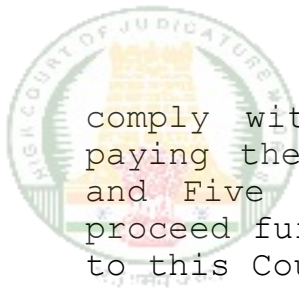
2. The learned counsel for the petitioner submitted that the petitioner has been running a two wheeler workshop from the year 2015 onwards and if some time is given, the petitioner is willing to deposit the amount.

3. In order to afford an opportunity to the petitioner to pay the amount fixed by the third respondent, there shall be an interim direction to the petitioner to deposit a sum of Rs.1,00,000/- on or before 21.05.2021. The petitioner shall also start paying the enhanced rent fixed by the third respondent effective from April, 2021 onwards at the rate of Rs.14,500/- per month.

**Post this case under the caption for reporting compliance on 02.06.2021.** If the petitioner complies with this interim direction, this Court will consider granting some more time for paying the balance amount. If the petitioner does not comply with the interim direction, this Court will have no other option except to direct the respondents to take further action in this case."

3. When the matter was taken up for hearing today, it was reported that the interim direction issued by this Court was complied with by the petitioner and the balance of Rs.70,125/- (Rupees Seventy Thousand One Hundred and Twenty Five only) is still due and payable by the petitioner. The learned counsel appearing for the petitioner submitted that the petitioner is suffering from financial constraints and hence, this Court may consider the same and grant some time to pay the balance amount. The learned counsel further submitted that the petitioner has started paying the enhanced rent fixed by the third respondent from April 2021 onwards.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner had complied with the earlier directions issued by this Court, there shall be a direction to the petitioner to pay 50% out of the sum of Rs.70,125/- (Rupees Seventy Thousand One Hundred and Twenty Five only) to the third respondent within a period of four (04) weeks from the date of receipt of a copy of this order. The balance of 50% shall be paid to the third respondent within a period of four (04) weeks



comply with these directions and if the petitioner defaults in paying the enhanced rent of Rs.14,500/- (Rupees Fourteen Thousand and Five Hundred only), it is left open to the respondents to proceed further in accordance with law without any further reference to this Court.

**WEB COPY** 5. This Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

6. Registry is directed to **post this case under the caption "For Reporting Compliance" on 23.08.2021.**

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Joint Commissioner,  
The Hindu Religious and Charitable Endowments Department,  
(Arulmigu Sangara Rameshwarar Thirukovil, Thoothukudi),  
Tirunelveli District.
2. The Assistant Commissioner,  
The Hindu Religious and Charitable Endowments Department,  
(Arulmigu Sangara Rameshwarar Thirukovil, (Thoothukudi),  
Thoothukudi District.

+1 CC to M/s.SPL GP ( SR-20163[F] dated 24/06/2021 )

W.P. (MD) .No.6391 of 2021  
23.06.2021

KB(25.06.2021) 3P 4C