



WEB COPY

W.P(MD).No.18886 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18886 of 2021

and

W.M.P(MD).No.15714 of 2021

R.Highcourt Durai

... Petitioner

Vs.

1.The Joint Commissioner Cum Executive Officer,
Hindu Religious and Charitable Endowments Board
Arulmigu subramaniaswamy Thirukkivil,
Tiruchendur,
Tuticorin District.

2.The Inspector of Police,
Tiruchendur Temple Police Station,
Tiruchendur,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from evicting the petitioner's shop located on the northern side of hair offering Mandapam of Arulmigu Subramaniaswamy Thirukkivil, Tiruchendur, Tuticorin District without following due process of law.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.Muthugeethayan Standing Counsel
For R2	: Mr.K.S.Selva Ganesan Counsel for State

ORDER

The petitioner seeks a direction to prevent dispossession from the shop located on the northern side of the hair offering Mandapam at Arulmigu Subramaniaswamy Thirukkivil, Tiruchendur, Tuticorin District.

2.The petitioner states that he runs five temporary shops adjacent to the Jeyanthi Nathar Lodge at the temple premises. He claims that he has been remitting rent regularly without default. Upon demolition of the shops allotted to him, he states that he was permitted to relocate to the present location. By proceedings dated 01.02.2021, he was called upon to vacate the shops on or before 19.02.2021. Therefore, he submitted a representation dated 05.10.2021 and has approached this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for the second respondent and Mr.Muthugeethayan, learned Standing Counsel, appears for the first respondent. Mr.Muthugeethayan points out that the petitioner is not a lessee of the temple who has defaulted in paying rent. He is an unauthorized occupant who has put up a temporary construction in one portion of the temple premises. As regards the proceedings dated 01.02.2021, he submits that the petitioner is entitled to file a revision petition under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in respect thereof. Therefore, he submits that the writ petition may be disposed of by permitting the petitioner to file such revision petition within a stipulated period.

4.In light of the submissions of the petitioner and the first respondent, W.P.(MD).No.18886 of 2021 is disposed of without any order as to costs by permitting the petitioner to carry a revision petition before the Commissioner under Section 21 of the Act of 1959. If such petition is filed within a period of fifteen (15) days from the date of receipt of a copy of this order, the Commissioner is directed to receive such petition without going into the question of limitation and dispose of the same on merits. For the aforesaid period of fifteen (15) days, the respondents are restrained from initiating coercive action to dispossess the petitioner. The said interim protection shall stand discharged *ipso facto* upon expiry of the said fifteen days. Consequently, W.M.P.(MD)No.15714 of 2021 is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 Cum Executive Officer,
Hindu Religious and Charitable Endowments Board
Arulmigu subramaniaswamy Thirukkivil,
Thiruchendur,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Tiruchendur Temple Police Station,
Tiruchendur,
Tuticorin District.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-32429[F] dated 25/10/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-32521[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32574[F] dated 26/10/2021)

**W.P (MD) .No.18886 of 2021
25.10.2021**

NSN(CO)

RS/JC (10.11.2021) 3P 6C