



WEB COPY



Writ Petition Nos.31820 to 31826 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.31820 to 31826 of 2014

a n d

M.P.Nos.1 to 1 of 2014

R. Dhanapal	...	Petitioner in W.P.No. 31820 of 2014
A. Sadagopan	...	Petitioner in W.P.No. 31821 of 2014
R. Manivannan	...	Petitioner in W.P.No. 31822 of 2014
V. Gopal	...	Petitioner in W.P.No. 31823 of 2014
R. Lakshmanan	...	Petitioner in W.P.No. 31824 of 2014
V. Natarajan	...	Petitioner in W.P.No. 31825 of 2015
L. Imam	...	Petitioner in W.P.No. 31826 of 2015

Vs

1. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Villupuram.



Writ Petition Nos.31820 to 31826 of 2014

2. The Commissioner
Villupuram Municipality
Villupuram.

3. Arulmighu Anjaneya Swamy Temple
rep. By its Hereditary Trustee
Mr.D.Kumar
Thiru.Vi.Ka Street
Villupuram.

(Impleaded as third respondent, vide, order, dated 16/12/2022
made in M.P.Nos.1 to 1 of 2015 and
W.P.Nos.31820 to 31826 of 2014 by NSKJ)

4. The Executive Officer
Arulmighu Anjaneya Swamy Temple
Thiru-vi-ka Road
Villupuram.

Respondents

(Impleaded as fourth respondent vide, order, dated 16/12/2022
made in W.M.P.Nos.2058 to 2061 of 2019,
39114, 39117 and 39121 of 2018 by NSKJ)

PRAYER : Petitions filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorari to call for the records of the
first respondent in his proceedings No.SE.MU.NA.KA.No.7863, 7857, 7867,
7870, 7862, 7861, 7865/2013/E2 dated 19/11/2014 and quash the same.

For Petitioners	...	Mr.R.Kannan
For respondents	...	Mr.N.R.R.Arun Natarajan Special Government Pleader for R.1 Mr.P.Srinivas for R.2 Mr.N.Suresh for R.R.3 and 4.



COMMON ORDER

These writ petitions have been filed to quash the order, dated 19/11/2014, passed by the first respondent.

2. Heard Mr.R.Kannan, learned counsel for the petitioners, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the first respondent, Mr.P.Srinivas, learned counsel for the second respondent and Mr.N.Suresh, learned counsel for the respondents 3 and 4.

3. Today, when the matters are taken up for hearing, learned counsel appearing for the petitioners submitted that out of Rs.12 lakhs, Rs.5 lakhs had already paid and undertaken to pay the remaining amount of Rs.7,60,735/-, within a period of 30 days from today and has also agreed to pay the fair rent on or before 5th of every month, without any default.

4. Though the writ petitioners have taken a stand that temple is not the owner and disputed the title of the temple, as the petitioners themselves



admitted and paid certain rent towards arrears, now, they cannot deny the title of the land lord. Just to drag on the proceedings of eviction, petitioners cannot be permitted to raise a dispute with regard to the title of the temple and at any event, if the petitioners are filing a fresh representation, admitting the title and also agreeing to pay the fair rent fixed by the first respondent, the first respondent may consider regularising the tenancy of the petitioners. If the amount of Rs.7,60,735/- is not paid within thirty days, as agreed by the petitioners, it is well open to the first respondent to evict the petitioners from the premises.

5. A common affidavit has been filed by the petitioners, wherein it is stated that they are ready and willing to pay the rent, as per the fair rent fixation Committee by the HR & CE Department for the vacant site allotted to the petitioners. In the above said backdrop, now the petitioners cannot insist for fixation of fair rent afresh. In the affidavit, the petitioners sought six months time to pay the arrears.

6. As the petitioner sought time to pay the entire arrears, this Court is of the view that since the petitioners are squatting over the property for many decades and they are chronic defaulters in rents and they have taken



advantage of the temple property and the properties have been converted into commercial activities, this Court is of the view that in order to give a quietus, three months further time has been given to clear the entire amount. If the entire amount of arrears as per the fair rent has not been paid, within three months from today, the respondents shall straight away evict the petitioners from the premises.

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

16/12/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

To

1. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Villupuram.
2. The Commissioner



Villupuram Municipality
Villupuram.

WEB COPY



Writ Petition Nos.31820 to 31826 of 2014

N. SATHISH KUMAR, J

mvs.

W.P.Nos.31820 to 31826 of 2014

16/12/2022