



WEB COPY



W.P. No. 27170 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27170 of 2022

and

W.M.P. Nos. 26381 and 26382 of 2022

S.Poolchand Gupta

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Zone – I,
No. 7/19, Yathawal Street,
SIDCO Industrial Estate,
Padi, Chennai – 600 060.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Zone – I,
No. 7/19, Yathawal Street,
SIDCO Industrial Estate,
Padi, Chennai – 600 060.
3. The Executive Officer,
Hindu Religious and Charitable Endowments,
Birakimadam Arulmigu Thiru Venkatamudaiyan
Venkatesa Perumal Thirukoil,
No.1, General Muthaiah Street,
Chennai – 72.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, calling for the records at the Second Respondent in Sa.Mu.Nada.Na.Ka. No. 13346/2008/A3 dated 24.05.2018 and quash the same direct the Respondents to unseal the Petitioner shop in Survey No. 8745, No. 72, N.S.C. Bose Road, Sowcarpet, Chennai – 79.

For Petitioner : Mr. C.Chokkalingam

For Respondents : Mr. Karthikeyan,
Additional Government Pleader
(for R1 and R2)

Mr. S.Surya
for Mr. A.S.Kailasam Associates (for R3)

ORDER

Heard Mr. C.Chokkalingam, Learned Counsel for the Petitioner, Mr. Karthikeyan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. S.Surya, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by proceedings in Se. Mu. Nada. Na. Ka. No. 13346/2008 A3 dated 24.05.2018 directed the eviction of the Petitioner



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from the shop at No. 72, N.S.C. Bose Road, Sowcarpet, Chennai – 600079,

belonging to the Temple of the Third Respondent under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. When the said shop was sealed in furtherance to the said order on 09.09.2022, the Petitioner has filed this Writ Petition challenging the said order and for directing the Respondents to de-seal the said shop so as to permit him to continue to occupy the same.

3. It is borne out from the record that the impugned order of eviction has been passed on account of the failure of the Petitioner to pay the rental dues for that shop occupied by him. It is accepted by both sides that after the filing of the Writ Petition, on receipt of Rs. 3,72,491/- by Demand Draft No. 517326 dated 14.10.2022 drawn on ICICI Bank, Sowcarpet Branch from the Petitioner towards the rental arrears, the Third Respondent has on 15.10.2022 de-sealed the shop without prejudice to his rights and contentions in this case. It is also stated that the Petitioner has made a representation dated 15.10.2022 for grant of lease of the said shop and the same is under consideration before the concerned authorities. The Petitioner has filed an affidavit of undertaking dated 19.10.2022 to regularly pay rent due to the Respondents at the rates fixed by the Government for the same.



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4. Having due regard to the aforesaid submissions made, it shall be incumbent upon the concerned authorities to pass appropriate orders on the said representation dated 15.10.2022 made by the Petitioner for grant of lease of the said shop in accordance with law and the eviction of the Petitioner from that shop shall be kept in abeyance till the final decision taken in that regard is communicated to him. It is needless to add here that the Petitioner shall continue to pay the monthly rent at the amount claimed by the Respondents on the due dates, and in event of default, it shall not preclude the Respondents from taking further action for resumption of possession in accordance with law.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

19.10.2022

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Index: Yes/No

Note: Issue order copy by 10.11.2022.

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Zone – I,
No. 7/19, Yathawal Street,
SIDCO Industrial Estate,
Padi, Chennai – 600 060.



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2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Zone – I,
No. 7/19, Yathawal Street,
SIDCO Industrial Estate,
Padi, Chennai – 600 060.
3. The Executive Officer,
Hindu Religious and Charitable Endowments,
Birakimadam Arulmigu Thiru Venkatamudaiyan
Venkatesa Perumal Thirukoil,
No.1, General Muthaiah Street,
Chennai – 72.

Copy to

1. S.Poolchand Gupta,
S/o.Sittharam Gupta,
No. 30/40, Nampuliyar Street,
Sowcarpet,
Chennai – 600 079.



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P.D. AUDIKESAVALU, J.

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