



W.P(MD)Nos.10354 to 10360 of 2013, 13864 to 13887 of 2013 & 6129 to 6140 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)Nos.10354 to 10360 of 2013, 13864 to 13887 of 2013 &
6129 to 6140 of 2014**

**and
Connected Miscellaneous Petitions**

W.P(MD)No.10354 of 2013:-

A.Gurusamy

... Petitioner

VS.

1.The Joint Commissioner / Executive Officer,
Arulmighu Ramanathaswamy Thirukovil,
Rameshwaram,
Ramanthapuram District.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 600 034.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Na.Ka.No.333/1998/AA6, dated 03.06.2013 in respect of shop No.8 of Western side Moondram Praharam of Rameshwaram Arulmighu Ramanathaswamy Thirukovil, Rameswhwaram,

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Ramanathapuram District and quash the same and directing the first respondent to extend the lease of the petitioner.

For Petitioner : Mr.P.Tamilmani

For Respondents : Mr.P.Subbaraj
Special Government Pleader

COMMON ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the order passed by the first respondent in Na.Ka.No.333/1998/AA6, dated 03.06.2013, directing the licensees of 44 shops situated in the third compound of Arulmighu Ramanathaswamy Thirukovil, Rameswhwaram, Ramanathapuram District, to vacate and hand over the vacant possession of the shops to the Temple, the petitioners have filed these Writ Petitions with a consequential direction to direct the first respondent to extend the lease period of the petitioners.

2.Heard both sides.

3.All these writ petitions are filed seeking extension of lease period. In order to accommodate them in an alternative place, a proposal was sent to the Commissioner HR & CE Department seeking permission to construct a

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building. Such proposal is under consideration by the Department. In the meanwhile, the lease period of these shop owners has expired and the same has not been extended so far.

3.It is the specific case of the Temple authorities that these petitioners are paying a paultry sum towards monthly rent not more than Rs.1,500/- and that the second respondent by order dated 20.08.2009, has directed to vacate 44 shops situated in the third compound of the Temple stating that they cause hindrance to the safety of the Temple and therefore, the impugned order has been passed.

4.When the matter came up for hearing on 09.01.2019, this Court passed the following interim order:-

"We have perused the status report filed by the Collector, Ramanathapuram indicating the action taken so far, pursuant to the earlier direction issued by this Court.

2.The Joint Commissioner-cum-Executive Officer, Sri Ramanatha Swamy Temple, Rameshwaram is present in Court. The Joint Commissioner, pursuant to our earlier order, inspected the site identified by the petitioners in the



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respective writ petitions viz., W.P.(MD).Nos.2792 of 2016, 6793 of 2012, 6129 to 6140 of 2014, 13864 to 13887 of 2013, 10354 to 10360 of 2013 and 23701 of 2018 and ascertained the feasibility of constructing a building to accommodate them, which is on the East Car Street. According to the Commissioner, 4,800 square feet area is available. In the said place, building would be constructed to accommodate 44 licensees, who are presently doing business inside the premises of Sri Ramanatha Swamy Temple, Rameshwaram. According to the Joint Commissioner, after obtaining orders from the Commissioner, HR & CE Department, construction would be commenced and immediately after completion of construction, it would be given to the existing licensees, by taking lots. The approximate area of the shop would be 10 x 7.

3.The petitioners are also present in Court today. The learned counsel for the petitioners, on instructions, submitted that the petitioners would be satisfied, in case, allotment is made as stated by the Joint Commissioner. The petitioners shall give an unconditional undertaking to the Joint Commissioner to vacate the premises immediately after allotment is made by taking lots.

4.Post the writ petitions on 11 January, 2019 for producing a copy of the proposal sent to the Commissioner, HR & CE Department for permission to construct the building to accommodate the existing licensees.”



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5.However, it is stated that till date, such alternate building is not constructed and the proposal for the same is pending with the second respondent. Therefore, as and when construction of such building is completed, the petitioners have to be given priority in getting accommodation in the alternate building on payment of correct market rent. Pending construction of the said building, the petitioners are directed to vacate the shops in question and hand over the vacant possession to the Temple authorities or alternatively, if the authorities are agreeing for payment of the market rent by the petitioners, they can allow the petitioners in the present place till the construction of the aforesaid building. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D.,J.] [J.S.N.P.,J.]
28.11.2022

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Internet : Yes
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R.MAHADEVAN,J.
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ORDER MADE IN
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