



W.P.(MD)No.2947 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.2947 of 2021

and

W.M.P(MD)No.2378 of 2021

K.Vellathai

... Petitioner

Vs.

1.The Joint Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Sivagangai District.

2.The Assistant Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Virudhunagar District.

3.The Executive Officer,
Arulmigu Soma Sundarar Vinayagar Temple,
Sattur,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, directing the third respondent to accept the arrears of rent as per the order made in W.P. (MD).No.24514 of 2019, and not to evict the petitioner from the occupation of the premises at Door No.64, Perumal Kovil Street, South Car Street,



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Sattur, Virudhunagar District without following the due process of law contemplated under Hindu Religious and Charitable Endowments Act, 1959.

For Petitioner :Mr.A.Balaji
For Respondents :Mr.P.Subbaraj
Special Government Pleader for R1& R2
Mr.P.Mahendran for R3

ORDER

This writ petition is filed praying to directing the third respondent to accept the arrears of rent as per the order made in W.P.(MD).No.24514 of 2019, and not to evict the petitioner from the occupation in the premises at Door.No.64, Perumal Kovil Street, South Car Street, Sattur, Virudhunagar District.

2.The above said property has been originally leased out to one Ramaiah. Subsequent to his passing away the possession of the said property was with one Veluchamy who has also passed away. After the death of said Ramaiah and Veluchamy, the following four persons have been enjoying the said property namely 1.Krishnan, 2.Muniyandi, 3.Sankarasubbu and 4.Maheswaran as sub tenants. It is further submitted



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that the HR & CE Department has initiated eviction proceedings under Section 78 of the HR & CE Act as against the above said persons.

3.This is the second round of litigation. In the earlier round of litigation, the petitioner filed writ petition before this Court in W.P. (MD).No.24514 of 2019, seeking for a direction to the Executive Officer not to evict the petitioner from the said residential house. Importantly, an affidavit of undertaking was also submitted before this Court, and on the basis thereof, the petitioner was directed to clear the arrears, within a period of four weeks from the date of receipt of a copy of the order. In response to the above order dated 27.11.2019, the petitioner has submitted a demand draft for a sum of Rs.1,70,793/- on 27.01.2020, representing the part amount of arrears which was not accepted by the respondent.

4.Mr.P.Mahendran, learned counsel appearing on behalf of the third respondent, has submitted a Memo, wherein it is indicated that presently the petitioner has to pay a sum of Rs.3,38,355/-, outstanding as arrears of rent. The learned counsel appearing on behalf of the petitioner,



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submits that the above arrears shall be cleared in three months.

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5.In view of the submission made on either side, there shall be a direction to the petitioner to pay the arrears due in three instalments. The first of such instalment of 50% shall be paid within a period of four weeks from the date of receipt of copy of this order. The remaining two instalments of 25% each will be paid in two equal monthly instalments thereon. The petitioner shall thereafter continue to remit the rental arrears as fixed by the respondents.

6.Mr.P.Subbaraj, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 submits that if the petitioner submits any representation, the same shall be considered on merits in accordance with law.

7.In view of the above, it is open to the petitioner to approach the Joint Commissioner, Hindu Religious and Charitable Endowments Department, and submit his representation seeking recognition as tenant



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within a period of four weeks from the date of receipt of a copy of this order. If any such representation filed by the petitioner before the Joint Commissioner, the same shall be considered and the respondent shall dispose of the same within a period of four months, from the date of receipt of a copy such representation. Until then no coercive proceedings shall be taken against the petitioner. If the petitioner fails to comply with the orders, it is open to the respondents to take appropriate action against the petitioner in accordance with law. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the respondents to consider the representation on its own merits.

8. With the above direction, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes / No

Speaking Order : Yes / No

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Issue order copy on 14.11.2022



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MOHAMMED SHAFFIQ, J.

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