



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.P (MD) .No.3115 of 2022

and

W.M.P (MD) .Nos.2725 and 2726 of 2022

Sunrise Siru Muthaleetu Viyabarikal Nala Sangam,

Reg.No.19/2020

Represented by its Secretary,

Tamilselvam

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment,
(Incorporated and unincorporated Temples),
Suchindram Head Office,
Suchindram Post,
Kanyakumari District.

3.The Manager,
Arulmigu Bhagavathiyamman Temple,
Kanyakumari,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Na.Ka.No.36/2021 dated 27.12.2021 issued by the third respondent and quash the same and consequently directing the second and third respondents to restore the respective shops and allow them to run the petitioner Association Members shops in F-Block in S.No.679/2 Kanyakumari Arulmighu Bhavathi Amman Temple to grant such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Loganathan

For R1 : Mr.P.Subbaraj

Special Government Pleader

For R2 & R3

: Mr.K.Sathiya Singh



ORDER

After hearing the learned counsel for the petitioner and the learned counsel for the respondents, this writ petition is disposed of at the time of admission by recording the undertaking given by the learned counsel for the respondents that appropriate Government orders will be issued for waiving rental dues for a period between 01.06.2021 and 01.09.2021 i.e., 90 days. The petitioner appears to be in arrears for a total period of 210 days.

2. Considering the fact that the members of the petitioner were small time vendors who have been allotted space in the beach for 25 square feet each, the impugned recovery proceedings shall be kept in abeyance subject to the members of the petitioner, pay the rental balance amount for a period other than 01.06.2021 to 01.09.2021, within a period of three months from the date of receipt of copy of this order. The balance amount can be waived or recovered subject to appropriate Government orders issued, considering the hardship faced by the members of the petitioner due to lockdown restrictions/closure of shops. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sn

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 District Collector,
Nagercoil,
Kanyakumari District.

2.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment,
(Incorporated and unincorporated Temples),
Suchindram Head Office,
Suchindram Post,
Kanyakumari District.



3.The Manager,
Arulmigu Bhagavathiyamman Temple,
Kanyakumari,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-7117[F] dated 18/02/2022)

+1 CC to Mr.S.LOGANATHAN, Advocate SR.No. 1281

W.P (MD) .No.3115 of 2022
17.02.2022

NSN (CO)
TR (24.02.2022) 3P 6C