



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD).No.3885 of 2022

and

W.M.P.(MD).No. 3351 of 2022

K.R.Saravanan

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Ellis Nagar,
Madurai.

2.The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Ellis Nagar,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2&3 to open/de-seal the shop bearing Door.No.146, East Masi Street, Madurai, Sealed on 24.02.2022 in colorable exercise of power, arbitrary manner and continue to receive rent at the rate of Rs.12,300/- pending disposal of the appeal in A.P.No.19 of 2020 on the file of the Commissioner, HR&CE, Chennai.

For Petitioner : Mr.R.G.Shankar Ganesh
For R1 & R3 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.V.R.Shanmuganathan

ORDER

The petitioner has filed an appeal before the Commissioner in A.P.No.19 of 2020, pursuant to an order of this Court in W.P.(MD). No.26078 of 2019, dated 10.12.2019. As per the aforesaid order, the petitioner was directed to pay 50% of the enhanced rent, which the petitioner was in arrear at the time of filing the writ petition and the petitioner was to continue to pay the revised rent of



Rs.12,300/- pending such appeal.

2. It is the case of the petitioner that the petitioner has paid a sum of Rs.1,50,000/- on 23.12.2019 in compliance of the aforesaid order of this Court and had also continued to pay the revised rent of Rs.12,300/-. It is further submitted that due to the out break of Covid-19 Pandemic, the petitioner had suffered a loss and therefore the petitioner fell in arrears. According to the petitioner, the petitioner was in arrears of Rs.3,19,000/-. The respondents, on the other hand, would submit that the petitioner was in arrears of Rs.2,02,460/- towards the arrears of the enhanced rent of Rs.12,300/- and that the petitioner was in further arrears of sum of Rs.86,400/- on the further enhancement made, which has been communicated to the petitioner and payable by the petitioner from July 2019.

3. The learned counsel for the petitioner submits that the petitioner will pay the arrears of Rs.2,02,460/- and give appropriate explanation as to why the revised rent of Rs.15,000/- could not be imposed on the petitioner.

4. Considering the fact that the petitioner may have indeed suffered loss, I am inclined to dispose this writ petition by directing the petitioner to pay a sum of Rs.2,02,460/- towards the arrears of enhanced rent of Rs.12,300/- within a period of 15 days from the date of receipt of copy of this order. The respondents shall de-seal the shop immediately on receipt of this order. It is made clear that the petitioner fails to remit the aforesaid amount within the specified period above, the respondents are at liberty to re-seal the shop again. The petitioner is also given liberty to give proper representation in writing regarding the enhancement of rent to Rs.15,000/-. The respondents shall consider the same and pass appropriate orders in accordance with law within a reasonable period. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
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Ellis Nagar,
Madurai.

2.The Joint Commissioner/Executive Officer,
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3.The Assistant Commissioner,
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Endowment Department,
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Madurai.

+1 CC to M/s.SPL GP (SR-10173[F] dated 04/03/2022)

W.P (MD) .No.3885 of 2022
03.03.2022

IMS (CO)
KB(17.03.2022) 3P 5C