



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

WEB COPY

W.P. (MD) Nos.4218 to 4225 of 2022

and

**W.M.P. (MD) Nos.3608 to 3611, 3621, 3622, 3612, 3615, 3619, 3620,
3618, 3613, 3614, 3616 and 3617 of 2022**

In W.P. (MD) No.4218 of 2022:-

Udaiyappan
S/o.Subbiah,
No.1A, Vellaiyan Oorani West,
Perumal Kovil Street,
Devakottai,
Sivagangai District.

... Petitioner in WP(MD).4218 of 2022

Sundarambal
W/o.Dharmalingam,
No.5a, Vellaiyan Oorani West,
Perumal Kovil Street,
Devakottai, Sivagangai District.

... Petitioner in WP(MD). 4219/ 2022

Sahul Hameed
S/o.Abubakker , No.1f,
Vellaiyan Oorani West ,
Perumal Kovil Street ,
Devakottai , Sivagangai District

... Petitioner in WP(MD). 4220/ 2022

Karthikeyini
W/o.Thiyagarajan,
D/o.Late. Karuppaiah (Original Lessee Now Died),
No.48 Vellaiyan Oorani North,
Perumal Kovil Street ,
Devakottai , Sivagangai Dis

... Petitioner in WP(MD). 4221/ 2022

S.Govindarajan
S/o.Late. Subramanian
(Original Lessee Now Died),
No.1 Vellaiyan Oorani West,
Perumal Kovil Street ,
Devakottai , Sivagangai District.

... Petitioner in WP(MD). 4222/ 2022



Ravindran K.R
S/o.Karuppiyah, No.43,
Vellaiyan Oorani North,
Perumal Kovil Street,
Devakottai, Sivagangai District.

... Petitioner in WP(MD). 4223/ 2022

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Muthukumar .S
S/o. K. Subashchandra Bose,
No.1g, Vellaiyan Oorani West ,
Perumal Kovil Street ,
Devakottai , Sivagangai District.

... Petitioner in WP(MD). 4224/ 2022

Kanagu
S/o. Vellaichamy,
No.56, Vellaiyan Oorani North,
Perumal Kovil Street ,
Devakottai, Sivagangai District.

... Petitioner in WP(MD). 4225/ 2022

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
No.40, Muthusamy Nagar,
Sivagangai,
Sivagangai District 630 561.

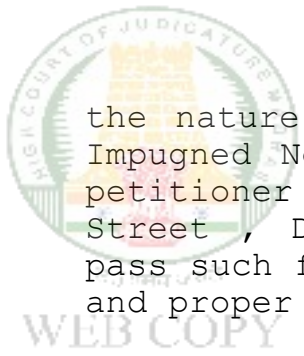
3.The Executive Officer,
Arulmigu Silampani Vinayagar Thirukovil,
Devakottai Town,
Sivagangai District 630 302.

... Respondents in both WPs

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the Impugned Notice affixed by the 3rd respondent in the house of the petitioner bearing No.1A, Vellaiyan Oorani West, Perumal Kovil Street, Devakottai, Sivagangai District and quash the same.

Prayer in WP(MD). 4219/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in



the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the shop of the petitioner bearing No.5A, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 4220/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the house of the petitioner bearing shop No.1F, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 4221/ 2022 :

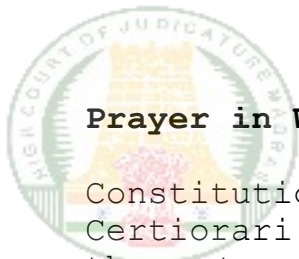
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the house of the petitioner bearing House No.48, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 4222/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the shop of the petitioner bearing Shop No.1, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 4223/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents herein to resort any illegal action to evict and dispose the petitioner from his house bearing Door No.43, Vellaiyan Oorani North, Devakottai, Sivagangai District till the outcome of the appeal filed by the petitioner before the 1st respondent pending in A.P.No. 31/2021 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



Prayer in WP(MD) . 4224/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the shop of the petitioner bearing No.1G, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 4225/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate Writ , or order or direction in the nature of a writ , to call for the records pertaining to the Impugned Notice affixed by the 3rd Respondent in the shop of the petitioner bearing No.56, Vellaiyan Oorani West , Perumal Kovil Street , Devakottai , Sivagangai District and quash the same and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

In all Cases

For Petitioner	: Mr.A.Saravanan
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3	: Dr.C.Guhaseelarupan

ORDER

These writ petitions have been filed for a Certiorari to call for the records pertaining to the impugned notice issued/affixed by the 3rd respondent and quash the same.

2. There is no merits in these writ petitions. The 3rd respondent temple had increased the rent in the year 2016 and the petitioners have challenged the same before this Court in a batch of writ petitions in W.P.(MD) Nos.9245 of 2021 etc and batch. By order dated 21.06.2021, the Court considering the plight of the petitioner herein passed the following orders:-

"7. Considering the submissions of the learned counsel for the petitioner as well as the third respondent and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his appeal or in this Writ Petition, the petitioner is directed to deposit the arrears of rent as fixed earlier, within a period of one week from the date of receipt of a copy of this order and thereafter, the first respondent is directed to dispose of the appeal filed by the petitioner in respect of the enhanced rent in reference N.Dis.No.60435/2019 on merits and in accordance



with law and pass appropriate orders within a period of twelve weeks thereafter. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter."

3. It is noticed that the petitioners were required to file appeals. According to the respective petitioners, they have filed appeals, which are pending before the 1st respondent/The Commissioner, Hindu Religious and Charitable Endowment Department, Chennai 600 034 and the date of next hearing of the appeals is 16.03.2022. It is submitted that pending disposal of the petitioners' appeals, the 3rd respondent has now issued the impugned notices, which are undated, calling upon the petitioners to pay dues from 2016.

4. The learned counsel for the petitioner submits that such a drastic step asking the petitioners to pay arrears of rent or face the consequences cannot be countenanced, in the light of the pendency of the respective appeals of the respective petitioners. It is submitted that the impugned action is contrary to the law settled by the Division Bench of this Court in the case of **Arulmigu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Association Vs. The State of Tamil Nadu, represented by its Secretary, Chennai and another** reported in 2009 (6) CTC 512.

5. Opposing the prayer, the learned Special Government Pleader for the respondents 1 and 2 submits that the rent was fixed in the year 2016 by the Fair Rent Fixation Committee, pursuant to which demands were made and that the respective petitioners have been evading payment of fair rent and have filed the writ petitions as mentioned above. It is submitted that the impugned notice is a catagoric one and the petitioners are in arrears. It is therefore submitted that the impugned notice asking the petitioners to pay arrears cannot be interfered with.

6. I have considered the arguments advanced by the learned counsel for the petitioners, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

7. As mentioned beginning of the order, there is no merits in these writ petitions. Considering the fact that the petitioners are in arrears on the rents enhanced in the year 2016, they are bound to pay the same. If the rent that has been fixed earlier in 2016 is reduced in the pending appeals filed by the petitioners before the 1st respondent, the rent paid by the petitioners can be adjusted or refunded back. However, it would not be meant that the petitioners can continue to pay the rent that was fixed earlier for a paltry sum of Rs.110/- etc.,



8. In view of the above, these writ petitions stand dismissed with a direction to the petitioners to pay arrears of rent from 2016 within a period of 1 week from the date of receipt of a copy of this order. In case, the petitioners fail to pay the aforesaid arrears, the respondents are at liberty to initiate appropriate proceeding under Section 79 of the Act to evict the petitioners.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
No.40, Muthusamy Nagar,
Sivagangai, Sivagangai District 630 561.

3. The Executive Officer,
Arulmigu Silampani Vinayagar Thirukovil,
Devakottai Town,
Sivagangai District 630 302.

+1 CC to M/s.SPL GP (SR-11520[F] dated 11/03/2022)

+6 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-11082,11080,11081,11079,11078,11075[F] dated 10/03/2022)

+8 CC to M/s.A.SARAVANAN, Advocate
(SR-11092,11091,11090,11089,11088,11087,11086,11093[F] dated 10/03/2022)

**W.P. (MD) Nos.4218 to 4225 of 2022
10.03.2022**

RK(29/03/2022) 6P 19C

<https://hcservices.ecourts.gov.in/hcservices/>