



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

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

W.P. (MD) No.5124 of 2022

and

W.M.P. (MD) No.4170 of 2022

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M.Raja Ilango

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ellis Nagar,
Madurai.

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

3.The Executive Officer,
Arulmigu Sokkanatha Swamy Tirukoil,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the claim of tenancy by the petitioner on property situated in Door No. 133, Railway Feeder Road, Virudhunagar Town, Virudhunagar District belonging to the 3rd respondent temple namely Arulmigu Chokanadha Swamy Thirukovil, Virudhunagar based upon representation made by the petitioner dated 11.03.2022.

For Petitioner	: Mr.K.V.Subramanian
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3	: Mr.P.Mahendran

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to consider the petitioner's claim of tenancy on the property situated in Door No.133, Railway Feeder Road, Virudhunagar Town, Virudhunagar District belonging to the 3rd respondent temple, namely Arulmigu Chokanadha Swamy Thirukovil, Virudhunagar, based upon the representation of the petitioner dated 11.03.2022.

2.After hearing the learned counsel for the petitioner, learned counsel for the official respondents and the learned counsel for the

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3rd respondent, I am of the view that there is no merits in the present writ petition.

3.The petitioner had earlier filed W.P.(MD) No.16941 of 2020 before this Court for recording his claim for tenancy. The said writ petition was disposed of on 21.01.2021 with the following observations:-

"3.The petitioner's request will arise only if the petitioner is willing to clear the arrears, that had accrued in respect of the petition mentioned property. Even according to the petitioner, he is in occupation of the premises, since December'2001. Therefore, it is for the petitioner to take responsibility for clearing the arrears. When a specific question was posed to the learned Counsel for the petitioner as to whether the petitioner is ready to clear the rental arrears, a firm answer is not forthcoming. It is for the petitioner to negotiate with the respondents. No relief can be granted in this Writ Petition."

4.The petitioner appears to be a sub-tenant of one Chidambaram, who had also filed a writ petition before this Court in W.P.(MD) No.6895 of 2018, wherein the order dated 28.02.2018 in R.C.No.68049/2017/D2 and the demand notice dated 09.03.2018 of the Takkar of the temple therein were challenged. The said writ petition was also dismissed with a liberty to file a statutory appeal before the Appellate Authority under Section 114 of the HR & CE Act, 1959. It appears that the original tenant, Chidambaram has also passed away after the said order was passed. The petitioner continues to be in possession of the property.

5.The learned counsel for the 3rd respondent submits that the petitioner has paid a sum of Rs.75,000/- yesterday and that there is still a balance of Rs.2,56,786/- (Rs.3,31,786/- - Rs.75,000/-) for use and occupation of the property.

6.However, considering the fact that the petitioner has been in occupation of the property and considering the fact that the petitioner cannot be evicted except in accordance with the provisions of the HR & CE Act, I am inclined to dispose of this writ petition by directing the petitioner to pay the balance amount of Rs.2,56,786/- to the 3rd respondent within a period of 15 days from the date of receipt of a copy of this order. If such amount is paid, the official respondents may consider the case of the petitioner sympathetically for giving a tenancy right to the petitioner by entering into a fresh lease agreement with the petitioner. It is needless to state that such exercise shall be carried out after giving notice to the legal heirs of the deceased tenant, Chidambaram.



7.This writ petition stands disposed of, in terms of the above observations. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Madurai.

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

+1 CC to M/s.K.V.SUBRAMANIAN, Advocate (SR-13738[F]
dated 23/03/2022)

+1 CC to M/s.P.MAHENDARAN, Advocate (SR-14179[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14315[F] dated 24/03/2022)

W.P. (MD) No.5124 of 2022
23.03.2022

KG(CO)

GC(05.04.2022) 3P 6C