



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2022

C O R A M

THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P.(MD)No.9328 of 2022

and

W.M.P(MD)No.6684 to 6686 of 2022

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,
Arumigu Sokkanatha Swamy Thirukovil,
Virudhunagar.

..Respondents

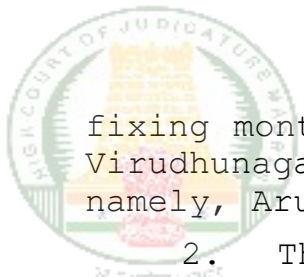
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the third respondent dated 25.04.2022 and consequential order passed by the 3rd respondent dated 27.04.2022 and quash the same and directing the respondents to permit the petitioner as tenant under the H.R & C.E Act by fixing monthly rent to the shop in T.S.No.133, Railway Feeder Road, Virudhunagar Town, Virudhunagar District belonging to the temple namely, Arulmigu Chokanadha Swamy Thirukovil, Virudhunagar.

For Petitioner
For Respondents

: Mr.S.Sivaprakash
: Mr.M.S.Siddharthan
Addl. Govt. Pleader
for R1 and R2
Mr.P.Mahendran for R3

ORDER

One M.Raja Elango claiming sub tenant of one Mr.R.Chidambaram has come to this Court questioning the impugned order passed by the 3rd respondent dated 25.04.2022 and the consequential order passed by the 3rd respondent dated 27.04.2022 and for directing the respondents to permit him as a tenant under the H.R & C.E Act by



fixing monthly rent to the shop in T.S.No.133, Railway Feeder Road, Virudhunagar Town, Virudhunagar District belonging to the temple namely, Arulmigu Chokanadha Swamy Thirukovil, Virudhunagar.

2. The petitioner was inducted as tenant by one R.Chidambaram and the said Chidambaram also made written agreement with the petitioner by receiving Rs.5,000/- as advance on 30.12.2001. The monthly rent was fixed as Rs.1000/-. He was regularly paying the rent without any default. All of a sudden, he received a notice from the third respondent, Executive Officer of Arumigu Sokkanatha Swamy Thirukovil, Virudhunagar stating that the said Chidambaram has committed default in paying the rent to the temple administration and thereafter only, he came to know that the Chidambaram is not the owner of the rented property. After knowing that the property belongs to the third respondent temple, which is also administered through the Fit Person appointed by respondents 1 and 2, the petitioner made a request to the third respondent for appointing him as a tenant, so that, he can make monthly rent directly to the temple administration. His representation dated 18.06.2019, did not evoke any response. Therefore, he filed a Civil Suit in O.S.No.90 of 2019 on the file of the District Munsif, Virudhunagar for permanent injunction against the said Chidambaram and the same is pending. Subsequently, he has filed a Writ Petition before this Court in W.P.(MD) No.16941 of 2020 to direct the respondents therein to consider his representation dated 18.06.2019, wherein the petitioner sought for an order permitting him to pay the rent directly to the third respondent temple. When the matter came up for hearing, the petitioner made a statement before the Court that he could not clear the rental arrears and therefore, the Writ Petition was dismissed. Now the impugned order has been passed by the third respondent, calling upon the petitioner to vacate and handover the encroached portion of the premises belonging to the third respondent. When the third respondent has no authority, the petitioner is entitled to question the same.

3. This Court is unable to find any merit in the writ petition for two reasons:

3.1 Firstly, the admitted case of the petitioner is that he was a tenant under one Chidambaram, who died. However, after the demise of the said Chidambaram he has attempted to become the direct tenant of the third respondent temple that is unfair. Therefore, he has wrongly filed O.S.No.90 of 2019 seeking injunction against the said Chidambaram before the District Munsif Court, Virudhunagar.

3.2 Secondly, he has also filed the writ petition in W.P.(MD) No.16941 of 2020 and when the matter was taken up, he has stated that he was unable to clear the arrears of rent and this Court has also dismissed the Writ Petition. Therefore, finding no merits whatsoever in the Writ Petition, this Court inclined to dismiss the Writ Petition.



4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

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// True Copy //

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Sub Assistant Registrar(CS)

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.SPL.GP (SR-23508[F] dated 06/05/2022)

+1 CC to M/s.S. SIVAPRAKASH, Advocate (SR-23530[F] dated 06/05/2022

W.P. (MD)No.9328 of 2022

and

W.M.P.No.6684 to 6686 of 2022

05.05.2022

SJ(CO)

KB(16.05.2022) 3P 5C