



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.16158 of 2020

K.Veeraputhiran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungampakkam, Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Elis Nagar (Near Bus Stop),
Madurai-625 016.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Pandian Nagar, 1st Street, Dindigul-1.

4.C.P.M.S.V.P.Subashini,
Executive Hereditary Trustee,
Arulmigu Kottai Mariamman Thirukovil,
Hereditary Trustee,
Dindigul-1.

...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 to return Rs.5,10,500/- ,the 50% of the total rent Rs.10,21,000/- for the 3 Stalls and Rs.1,83,780/- paid towards GST to the petitioner.

For Petitioner: No Appearance
For R1 to R3 : Mr.P.T.Thiraviam
Government Advocate
For R4 : Mr.S.Manohar

ORDER

The writ petition has been filed for a Mandamus to direct the respondents to return a sum of Rs.5,10,500/- being 50% of the amount paid by the petitioner as rent for putting up a temporary stalls for the Masi festivals starting from 20.02.2020 to 20.04.2020, ie., for a total period of 60 days.



2. There is no representation on behalf of the petitioner.

3. It is the specific case of the petitioner that due to the outbreak of COVID-19 pandemic, the petitioner was not able to enjoy the fruits of the licence given to put up the stalls and therefore, the petitioner seeks for refund of the amount.

4. The learned counsel for the 4th respondent submits that a resolution has been passed by the respondent temple to refund the amount and that the matter has been now referred to the Commissioner/the 1st respondent for approval in order to make payments to the petitioner. It is submitted that the payments will be made subject to the approval by the 1st respondent.

5. The learned Government Advocate for the official respondents submits that appropriate orders will be passed based on the recommendation and the resolution of the 4th respondent within a period of 2 months.

6. Recording the submission of the learned Government Advocate, I am inclined to dispose of this writ petition by directing the 1st respondent/the Commissioner to act on the representation of the petitioner, within a period of 60 days from the date of receipt of a copy of this order. The 4th respondent is also directed to refund the amount subject to the orders to be passed by the 1st respondent.

7. The writ petition stands disposed of, in terms of the above observation. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungampakkam, Chennai-600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Elis Nagar (Near Bus Stop),
Madurai-625 016.



3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Pandian Nagar, 1st Street, Dindigul-1.

+1 CC to M/s.S.MANO HAR, Advocate (SR-22655[F] dated 29/04/2022)

WEB COPY
+1 CC to M/s.SPL. GP (SR-23022[F] dated 29/04/2022)

W.P (MD) .No.16158 of 2020
28.04.2022

MK/25.05.2022/3P/6C