



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

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

W.P. (MD) No.16667 of 2019

S.Thirugnanam

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious Charitable
Endowment Department,
Government of Tamil Nadu,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious Charitable
Endowment Department,
Government of Tamil Nadu,
Tirunelveli,
Tirunelveli District.

3.The Executive Officer,
Arulmigu Nellaiyappar Arultharum Gandhimathi
Amman Temple,
Tirunelveli 627 006,
Tirunelveli District.

... Respondents

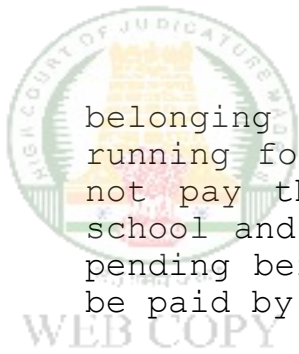
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.07.2018 consequently direct the respondents to not to disturb the petitioner from running the School in the name of Hindu Middle School, Madha Middle Street, Tirunelveli Town within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.A.D.Ganeshamoorthy
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.S.Madhavan

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to consider the petitioner's representation dated 24.07.2018 and consequently to direct the respondents to not to disturb the petitioner from running the school in the name of Hindu Middle School, Madha Middle Street, Tirunelveli Town.

2.It is the specific case of the petitioner that the petitioner's school was started in the year 1886 on the land



belonging to the 3rd respondent temple. Since aforesaid school is running for the welfare of the poor children, the petitioner could not pay the rent as there was no surplus revenue from the said school and in this connection, a representation dated 24.07.2018 is pending before the 2nd respondent for reconsideration of the rent to be paid by the school.

3.Opposing the prayer, the learned Special Government Pleader for the official respondents, namely respondents 1 and 2, submits that the petitioner has an alternate remedy and therefore, the petitioner cannot circumvent the same by asking for a mandamus to direct the official respondents to consider the petitioner's representation dated 24.07.2018. It is submitted that before filing of the writ petition, as of 30.06.2019 the petitioner was in arrears of Rs.3,61,585/-.

4.The learned counsel for the 3rd respondent submits that the petitioner has paid only a sum of Rs.6,000/- alone and that the rent was subsequently revised to Rs.2,800/- per month. It is submitted that the rent was further enhanced for the period from 01.07.2016 and that as on date, a sum of Rs.4,49,585/- is due.

5.Considering the fact that the aforesaid revision has taken place during the pendency of the writ petition and since the petitioner is in arrears of rent for the period from 01.07.2016 to 30.06.2019, I am inclined to dispose of this writ petition with the following directions:-

i) The respondents 1 and 2 are directed to consider the petitioner's representation dated 24.07.2018 and pass appropriate orders on merits and in accordance with law, within a period of 6 months from the date of receipt of a copy of this order, subject to the condition that the petitioner pays the admitted amount of Rs.3,61,585/- as determined prior to the filing of the writ petition.

ii) The said amount shall be paid within a period of 3 months from the date of receipt of a copy of this order.

iii) The petitioner shall also pay further arrears on the revised rent within a period of 4 weeks from the date of communication of the revision in the rent for the period starting from 01.07.2016.

iv) The 3rd respondent is at liberty to give a calculation to the petitioner to pay the amount.

v) Liberty is also given to the petitioner to challenge the subsequent revision in accordance with law.



6.The writ petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious Charitable Endowment Department,
Government of Tamil Nadu,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Government of Tamil Nadu,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-11480[F]
dated 11/03/2022)

W.P. (MD) No.16667 of 2019
10.03.2022

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