



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2022**

CORAM:

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

W.P. (MD) No.16838 of 2019

A.Radhakrishnan

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai 600 034.
- 2.The Chairman and Managing Corporation,
Poombuhar Shipping Corporation,
692 Anna Salai, IVth Floor, Nandanam,
Chennai 600 035.
- 3.The District Collector,
Kanyakumari.
- 4.Inspector General of Police,
South Zone, Madurai.
- 5.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.
- 6.The Joint Commissioner/Executive Officer,
Arulmigu Bhagavathiamman Temple & Groups,
Kanyakumari Office at Suchindhram. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent Corporation to remit the rent arrear Rs.1,76,61,322-/ till the period of July 2018 along with the subsequent accumulated rent arrear till the date of the order and to secure and safeguard the temple property from the second respondent Corporation.

For Petitioner : Mr.A.Radhakrishnan party-in-person

For R1 & R3 to R5 : Mr.P.Subbaraj
Special Government Pleader

For R2 : No appearance

For R6 : Mr.K.Sathiya Singh



ORDER

The writ petition has been filed for a Mandamus to direct the 2nd respondent Corporation to remit the arrears of rent for a sum of Rs.1,76,61,322-/ till the period of July 2018 along with the subsequent accumulated rent arrears till the date of the order and to secure and safeguard the temple property from the 2nd respondent Corporation.

2.The party-in-person is present today.

3.Though notice has been served on the contesting respondent, namely, the 2nd respondent, there is no representation on behalf of the 2nd respondent even today, despite the case being listed on several occasions.

4.The learned counsel for the official respondents, namely respondents 1 and 3 to 5 and the learned counsel for the 6th respondent are present. The 6th respondent has filed a counter, wherein it has been stated that the 2nd respondent is in arrears of Rs.2,32,70,541/- till 31.12.2021.

5.It is further submitted that the 2nd respondent is engaged in Port service and earning huge profit. It is therefore submitted that there is no justification in not paying the rental arrears to the 6th respondent temple.

6.Considering the above, I direct the respondents 1, 3 and 5 to take appropriate steps to recover the rental arrears from the 2nd respondent in accordance with law. The proceedings shall be initiated by the respondents 1, 3 and 5 within a period of 30 days from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mm



To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai 600 034.

2.The District Collector,
Kanyakumari.

3.Inspector General of Police,
South Zone, Madurai.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.

+8 CC to M/s.A.RADHAKRISHNAN, Advocate (SR-15394[F] dated
30/03/2022)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-15623[F] dated
31/03/2022)

+1 CC to M/s.SPL GP (SR-15688[F] dated 31/03/2022)

W.P. (MD) No.16838 of 2019
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MGJ(18.04.2022) 3P 15C