



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).Nos.10976 to 10979 of 2018

and

W.M.P(MD).Nos.10105, 10106,
10107 and 10108 of 2018

In W.P(MD).No.10976 of 2018

Natarajan

... Petitioner

Vs.

Arulmighu Subramani Swamy Thirukovil,
Rep. by its Executive Officer,
Pulivalam, Kodialam Post,
Trichirappalli.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice passed by the respondent dated 08.03.2018 bearing No.Nil and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.N.R.Murugesan

For Respondent : Mr.C.Gunaseela Rupan

In W.P(MD).No.10977 of 2018

Kowsalya

... Petitioner

Vs.

Arulmighu Subramani Swamy Thirukovil,
Rep. by its Executive Officer,
Pulivalam, Kodialam Post,
Trichirappalli.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice passed by the respondent dated 08.03.2018 bearing No.Nil and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.



For Petitioner : Mr.N.R.Murugesan
For Respondent : Mr.C.Gunaseela Rupan

In W.P(MD).No.10978 of 2018

Maruthai

... Petitioner

Vs.

Arulmighu Subramani Swamy Thirukovil,
Rep. by its Executive Officer,
Pulivalam, Kodialam Post,
Trichirappalli.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice passed by the respondent dated 08.03.2018 bearing No.Nil and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.N.R.Murugesan
For Respondent : Mr.C.Gunaseela Rupan

In W.P(MD).No.10979 of 2018

Karuppusamy

... Petitioner

Vs.

Arulmighu Subramani Swamy Thirukovil,
Rep. by its Executive Officer,
Pulivalam, Kodialam Post,
Trichirappalli.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice passed by the respondent dated 08.03.2018 bearing No.Nil and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.N.R.Murugesan
For Respondent : Mr.C.Gunaseela Rupan

ORDER

After hearing the learned counsel for the petitioner and the respondent, this writ petition is being disposed of. The petitioner has challenged the impugned notice dated 08.03.2018. The impugned seeks to recover arrears of lease rent payable from the petitioner. It is submitted that the petitioner has been paying rent in time and



therefore impugned notice was without any basis. It is further submitted that the impugned notice dated 08.03.2018 was despatched on 24.03.2018 and there is no calculation in the impugned notice and therefore the impugned notice is liable to be quashed.

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2. Opposing the prayer, the learned counsel for the respondent submitted that the impugned notice itself has clarified that the impugned notice is in terms of the order passed by this Court in W.P.(MD).Nos.14428 and 16833 of 2017, dated 12.02.2018 directing the respondent herein to take steps to recover the arrears of rent from defaulters and cultivating tenants to whom temple lands have been leased. The learned counsel for the respondent further submits that the petitioner is not the direct lessee but one of the legal heir of the erstwhile tenants and therefore submitted the writ petitions are liable to be dismissed. I have considered the arguments advanced by the learned counsel for the petitioner and the respondent.

3. The impugned notice is pursuant to an order dated 12.08.20218 in W.P.(MD).Nos.14428 and 16833 of 2017. The impugned notice, however, does not give the particulars as to how the demand has been worked out for the period upto Fasli 1427. Considering the same, I am inclined to direct the respondent to issue a corrigendum to the impugned notice within a period of thirty days from the date of receipt of copy of this order, particularising the amount due from the petitioner and his predecessor who were the cultivating tenants. On receipt of the same, the petitioner shall file an objection, if any, within a period of thirty days thereafter. The respondent shall thereafter pass appropriate orders within a period of thirty days. Needless to state the petitioner shall be heard before orders are passed by the respondent. These Writ Petitions are disposed of with above directions. Pending such exercise, there shall be no recovery of arrears. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Executive Officer,
Arulmighu Subramani Swamy Thirukovil,
Pulivalam, Kodialam Post,
Trichirappalli.

+1 CC to M/s.N.R.MURUGESAN, Advocate (SR-5527[F] dated 11/02/2022)

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-5589[F] dated
11/02/2022)

W.P(MD) .Nos.10976 to 10979 of 2018
10.02.2022

RD(28.02.2022) 4P 4C