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REV. APLC.(MD) No.129 of 2022
in WA.(MD)No.899 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV. APLC.(MD) No.129 of 2022
in WA.(MD)No.899 of 2022

M.Gurusamy Nadar (died)

1. G.ChitraiKani
2. G.Siddharthan
3. G.Vivekanandan
4. G.Aravindan

.. Petitioners/Appellants

VS.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.
- 2.The Deputy Commissioner,
Executive Officer,
ArulmiguKallalagar Thirukovil,
Alagarkovil,
Madurai.
3. The Sub Registrar,
The Joint Registrar Office,
No.4, Palanganatham,
Madurai South,
Madurai ct.

.. Respondents



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Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the aggrieved portion of observation made in Writ Appeal (MD) No.899 of 2022, dated 23.08.2022 by this Court.

For petitioners : Mr.G.Ghouse Khathiri
For respondents
for R2 : Mr.K.R.Laxman

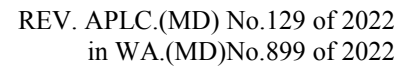
ORDER

(The Order of the Court was made by S.S.SUNDAR, J)

The present Review Application has been filed seeking review of the order dated 23.08.2022 made in Writ Appeal (MD) No.899 of 2022.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. Considering the submissions of the learned counsel appearing for the petitioners and the second respondent, this Court is of the view that the scope of review is limited to the payment of arrears amount to the tune of Rs.48,00,000/- as mentioned in the order dated 23.08.2022.



6. On a perusal of documents, it is seen that the Joint Commissioner, Hindu Religious and Charitable Endowment Board, vide order dated 21.03.2022, directed the petitioners to pay Rs.36,51,640/- towards arrears of fair rent. Since the sum of Rs.25,00,000/- was already paid by the



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petitioners including the payment of Rs.10,00,000/- by the sub tenant, the petitioners as on date are liable to pay a sum of Rs.11,51,640/- as per the order fixing fair rent, which is also sought to be challenged before the Commissioner. The respondents have also submitted that the petitioners have not removed their movables which are kept in a separate premises.

7. In view of the above, this Court is inclined to pass the following orders:

i) The petitioners are permitted to file appeal before the Commissioner, HR & CE as against the order fixing fair rent subject to payment of Rs.2,00,000/- [Rupees two lakhs only].

ii) When the Commissioner passes final orders on the petitioner's appeal regarding fixation of fair rent, the petitioners are liable to pay the said amount, subject to any further proceedings or order that may be passed by this Court by way of interim order or final order as against the final order passed by the Commissioner, HR & CE.



REV. APLC.(MD) No.129 of 2022
in WA.(MD)No.899 of 2022

iii) The petitioners are permitted to remove all his movable belongings within a period of one month from the date of receipt of a copy of this order. When the petitioners file an application before the respondents, they shall be permitted to remove all their articles after taking inventory of those articles.

8. With the above directions, this application is disposed of. No costs.

(S.S.S.R.J.,) (S.S.Y.J.,)
19.10.2022

Speaking Order: Yes / No

pvs

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.
2. The Deputy Commissioner,
Executive Officer,
ArulmiguKallalagar Thirukovil,
Alagarkovil, Madurai.
3. The Sub Registrar,
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Page No.5/6



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