



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.03.2022**

CORAM:

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

W.P. (MD) No.6110 of 2015

and

M.P. (MD) No.2 of 2015

WEB COPY

- 1.Saradha
- 2.Jeyaprakash
- 3.Karthika

... Petitioners

/vs./

- 1.The Commissioner,
Tamilnadu Hindu Religious & Charitable Endowment Board,
Santhome,
Chennai.

- 2.The Joint Commissioner,
Tamilnadu Hindu Religious & Charitable Endowment Board,
K.K.Nagar,
Madurai.

- 3.The Assistant Commissioner,
Tamilnadu Hindu Religious & Charitable Endowment Board,
Dindigul.

- 4.Sri Poolathesswarar Temple,
through its Executive Officer,
Chinnamannur,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating with the order of the 1st respondent made in R.P.126/2014 D2, dated 27.02.2015, confirming the order of the 2nd respondent in Se.Mu.Na.Ka.No.1119/2013/E1 dated 03.09.2014 and quash the same as it is arbitrary and illegal.

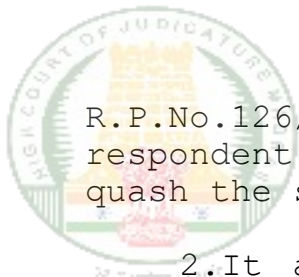
For Petitioners : Mr.R.Suriya Narayanan

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

For R4 : Mr.M.Karupasamy Pandian

ORDER

The petitioner has filed this writ petition for a Certiorari to call for the records relating to the order of the 1st respondent in
<https://hcservices.ecourts.gov.in/hcservices/>



R.P.No.126/2014 D2, dated 27.02.2015, confirming the order of the 2nd respondent in Se.Mu.Na.Ka.No.1119/2013/E1 dated 03.09.2014 and to quash the same.

2.It appears that the petitioners have been in occupation of the property from 1984 and have put up a tin sheet tea shop along with a Public Call Office (PCO). Though it is the case of the petitioners that the petitioners are not the encroachers and are the vacant site lessees, there are no records to prove that the petitioners have paid any rent to the 4th respondent temple. However, considering the plight of the petitioners, this Court by its two orders dated 21.09.2017 and 12.10.2017 had directed the petitioners to pay a sum of Rs.5,00,000/- in two installments at Rs.3,00,000/- and Rs.2,00,000/- respectively, which appears to have been paid by the petitioners on 10.10.2017 and 02.11.2017, which has been duly acknowledged by the 4th respondent temple by its receipt Nos.2641 and 2667.

3.The petitioners have no records to substantiate that they are the tenants. The petitioners had also suffered an adverse order of the 2nd respondent/the Joint Commissioner dated 03.09.2014 and the subsequent revision before the 1st respondent/the Commissioner was also dismissed by the impugned order dated 27.02.2015. However, considering the fact that the petitioners are in occupation of the property for over 30 years since 1984, I am inclined to dispose of this writ petition by directing the petitioners to pay a sum of Rs.2,50,000/- within a period of 30 days from the date of receipt of a copy of this order. The petitioners shall continue to pay the proportionate rent as may be demanded by the 4th respondent temple for the ensuing period. However, as and when fresh auctions are being held, the petitioners will have to participate in the same and in case, the petitioners succeed, they may be allowed to continue. In case, the petitioners fail, they will have to vacate the sites by removing the super structure. No further indulgence can be shown to the petitioners.

4.The writ petition stands disposed of, in terms of the above observations. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Tamilnadu Hindu Religious & Charitable Endowment Board,
Santhome,
Chennai.

2.The Joint Commissioner,
Tamilnadu Hindu Religious & Charitable Endowment Board,
K.K.Nagar,
Madurai.

3.The Assistant Commissioner,
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Dindigul.

+1 CC to M/s.SPL GP (SR-15361[F] dated 30/03/2022)

W.P. (MD) No. 6110 of 2015
29.03.2022

RK(07/04/2022) 3P 5C