



W.P.(MD)No.23418 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.23418 of 2022

and

W.M.P.(MD)No.17501 of 2022

Jeyaprakash

... Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
Santhome, Chennai.

2. The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
K.K.Nagar, Madurai.

3. The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
Dindigul.

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

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating with the impugned notice dated 08.10.2022, issued by the 4th Respondent and quash the same as it is illegal and in consequence to direct the 1st Respondent to approve the Petitioner as a tenant in the subject site, by considering his representation dated 05.09.2022 in the light of G.O.Ms.No.277, Tamil Development Culture and Endowment Department, dated 02.12.2005.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.P.Subbaraj
Spl. Govt. Pleader for R1 to R3
Mr.C.Gughaseelarupan
Standing Counsel for R4

ORDER

This Writ Petition has been filed to call for the records relating to the impugned notice dated 08.10.2022, issued by the 4th Respondent and quash the same and consequently, direct the 1st Respondent to approve the Petitioner as a tenant in the subject site, by considering his representation dated 05.09.2022, in the light of G.O.Ms.No.277, Tamil Development Culture and Endowment Department, dated 02.12.2005.



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2. Today, when the matter is taken up for hearing, the learned Standing Counsel for the 4th Respondent submitted that the premise has been locked and sealed in terms of Section 79 of the Hindu Religious and Charitable Endowments Act, 1959.

3. The learned counsel for the Petitioner submitted that the condition imposed by this Court in W.P.(MD)No.6110 of 2015, dated 29.03.2022, requiring him to pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) has been complied with and he is ready and willing to pay the monthly rent from April 2022 to September 2022 within a period of two weeks from today to the 4th Respondent and also to pay the monthly rent every succeeding English Calender Month. He further submitted that, if the 4th Respondent chooses to auction the property, the Petitioner may be permitted to take part in the auction. The Petitioner undertakes that in case he does not turn out to be the successful bidder, he would vacate the premises within a period of three days from the date of declaration of the auction results. The Memo / Affidavit, dated 13.10.2022, is filed to the said effect.



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4. The above suggestion was also agreed to by the Respondents.

5. Recording the said submission, this Writ Petition is disposed of.

The 4th Respondent is directed to remove the lock and seal by 17.10.2022. However, if the Petitioner fails to pay the rent for the month of April 2022 to September 2022 within a period of two weeks from today, the Petitioner will not be entitled to the benefit of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2022

Index : Yes / No

Speaking Order : Yes / No

vji

Note: Issue order copy by 14.10.2022.



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MOHAMMED SHAFFIQ, J.

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