



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2022**

CORAM:

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

W.P. (MD) No.19778 of 2017

and

W.M.P. (MD) No.16034 of 2017

WEB COPY

V.Murugan

... Petitioner

/vs./

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

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.

3.Executive Officer,
Arulmigu Thiru Kutraalanatha Swamy Thirukovil,
Courtallam, Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in M.P.No.10 of 2016 dated 08.08.2017 and quash the same and directing the 1st respondent to conduct enquiry by giving an opportunity to be heard to the petitioner herein.

For Petitioner: M/s.P.Thilagarani
For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate
For R3 : Mr.S.Manohar

ORDER

The writ petition has been filed for a Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in M.P.No.10 of 2016 dated 08.08.2017, to quash the same and to direct the 1st respondent to conduct enquiry, by giving an opportunity to the petitioner to be heard.

2.After hearing for some time, the learned counsel for the petitioner and the learned counsel for the 3rd respondent submits that the petitioner has vacated the shop on 27.10.2017 ie., two days after the filing of the writ petition perhaps before the writ petition was listed for admission as no interim order has been passed. The shop has been under locked and sealed by the 3rd respondent since then.



3. When the case was taken up for hearing today, the learned counsel for the petitioner submits that the petitioner is willing to clear the arrears. It is submitted that as on 31.05.2015, the petitioner was in arrears of Rs.6,55,510/-. It is further submitted that as on February, 2022, approximately a sum of Rs.7,12,510/- is due from the petitioner.

4. Considering the fact that the petitioner's belongings are still inside the shop, which was put under lock and seal on 27.10.2017 and has not been used since then during the pendency of the present writ petition, I am inclined to dispose of this writ petition by giving liberty to the petitioner to pay the arrears of rent amounting to a sum of Rs.7,12,510/-, which has been estimated in the counter, within a period of 60 days from the date of receipt of a copy of this order in two equal monthly installments. If the petitioner pays the first installment by 21.05.2022 or before the aforesaid date, the lock and seal of the shop shall be removed by the 3rd respondent. It is made clear that the petitioner shall pay the balance amount of arrears by 21.06.2022 or before the aforesaid date. It is also made clear that the petitioner shall pay the fair rent that has been collected for the period commencing from the date, when the petitioner takes repossession of the shop. In case, there is any failure on the part of the petitioner, this order shall stand vacated automatically without further reference to this Court and the 3rd respondent is at liberty to repossess the shop and auction it for being rented out to the third party. The petitioner is also directed to pay the balance arrears of rent for the period during lock and seal as may be determined by the respondent temple considering the fact that the property has been under locked and sealed.

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

Sd/-
Assistant Registrar(CS I)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

To

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

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



2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.

3.The Executive Officer,
Arulmigu Thiru Kutraalanatha Swamy Thirukovil,
Courtallam, Tirunelveli District.

+1 CC to M/s.SPL.GP. (SR-20479[F] dated 22/04/2022)

+1 CC to M/s.K. KEVIN KARAN, Advocate (SR-20529[F] dated 22/04/2022)

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MK/06.05.2022/3P/6C