



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.22131 of 2017

and

W.M.P(MD).Nos.18430 and 18431 of 2017

Subramani

... Petitioner

Vs.

1.The Assistant Commissioner,
HR&CE Department,
Dindigul.

2.The Executive Officer,
Arulmigu Darmasastha Thirukovil,
Thimmarsa Nayakkanoor,
Aundipatty Taluk,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the first respondent made in Na.Ka.No.641/2015/19 A3 dated 25.10.2017 and quash the same as illegal.

For Petitioner

: Mr.R.Murali

For R1

: Mr.P.Subbaraj

Special Government Pleader

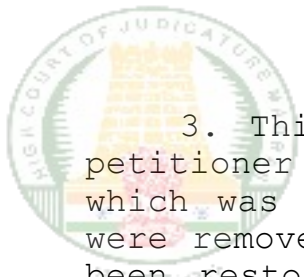
For R2

: Mr.C.Gunaseelarupan

ORDER

This writ petition has been filed for a Writ of Mandamus to call for the records of the first respondent made in Na.Ka.No.641/2015/19 A3 dated 25.10.2017 and quash the same.

2. It appears that an order came to be passed by the Joint Commissioner under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 on 05.05.2017. Thereafter an order came to be passed by the first respondent under Section 79 of the Hindu Religious and Charitable Endowments Act, 1959 on 21.11.2017. Thereafter, with the help of the revenue authorities, the property was also put under lock and seal. Under these circumstances, the petitioner has approached this Court and filed this writ petition for the above relief.



3. This Court by an order, dated 06.12.2017 had directed the petitioner to pay a sum of Rs.60,000/- on or before 11.12.2017, which was complied by the petitioner and thereafter lock and seal were removed on 04.01.2018. The possession of the property has also been restored back to the petitioner. During the pendency of the present writ petition, the petitioner has paid a further sum of Rs.1,06,650/- which includes Rs.60,000/- pursuant to an order dated 06.12.2017.

4. The learned counsel for the respondents submits that as on date, the petitioner is in arrears for a sum of Rs.71,061/- up to 31.03.2021. The learned counsel for the second respondent submits that if the petitioner agrees to pay the aforesaid amount, no further proceedings will be initiated against the petitioner to evict the petitioner. The learned counsel for the petitioner submits that the petitioner is willing and agreeing to pay the aforesaid amount.

5. Considering the above, the writ petition stands disposed of by directing the petitioner to pay the arrears within a period of six weeks from the date of receipt of copy of this order and continue to pay periodical rent as may be determined by the second respondent in terms of the provisions of the Hindu Religious and Charitable Endowments Act, 1959. It is made clear that if the petitioner fails to pay periodical rent and also the arrears as on date within such time, the respondents are at liberty to initiate appropriate proceedings against the petitioner. If such amount is paid by the petitioner, the respondents are also at liberty to consider the petitioner's request for regularising the tenancy agreement. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Assistant Commissioner,
HR&CE Department,
Dindigul.

2.The Executive Officer,
Arulmigu Darmasastha Thirukovil,
Thimmarsa Nayakkanoor,
Aundipatty Taluk,

<https://hcservices.dcy.nic/services/>



+1 CC to M/s.C. GUHASEELARUPAN, Advocate (SR-19982[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP (SR-20101[F] dated 21/04/2022)

+1 CC to M/s.R. MURALI, Advocate (SR-20280[F] dated 21/04/2022)

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20.04.2022

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