



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.03.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

Rev.Aplc. No. 11 of 2023

in

W.P. No.32725 of 2013

V.Alavandhan
Petitioner

..Review

Vs.

1. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.

2. The joint Commissioner,
HR & CE Department,
Villupuram.

3. The Assistant Commissioner,
HR & CE Department,
Villupuram.

4. The Executive Officer,
Arulmigu Anganeyar Thirukovil,
Villupuram.

...Respondents

PRAYER: Review application filed under Order 47 Rule 1 r/w. Section 114 of Civil Procedure Code to review the order dated 09.12.2022 passed in W.P.No.32725 of 2013 and allow the Review Petition.

For Petitioner : Ms.T.Sreelekha

For Respondents : Mr.M.Bindran, AGP (HR & CE)

**ORDER**

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This review application has been filed seeking to review the order dated 09.12.2022 passed in W.P.No.32725 of 2013.

2. This Court disposed of the above said writ petition on 09.12.2022 and passed the following order;

"These Writ Petitions have been filed to quash the notice dated 26.04.2013 sent by the second respondent for evicting the petitioner from the premises.

2. When the matter is taken up today, the learned Special Government Pleader appearing for the first and second respondents submitted that these Writ Petitions have been filed challenging the notice sent to the petitioners under section 78 of the Hindu Religious and Charitable Endowments Act and subsequent to the filing of these Writ Petitions, the proceedings under section 78 of the Hindu Religious and Charitable Endowments Act has been concluded and final Order has been passed for evicting the petitioners. Hence, nothing survives for adjudication in these Writ Petitions. The said submission made by the learned Special Government Pleader is recorded.

3. In such view of the matter, nothing survives for adjudication in this Writ Petition. Accordingly, this Writ Petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. No costs. "

3. The learned counsel for the petitioner submitted that the



similarly situated persons, who is the adjacent shop owners of the petitioner, have filed a batch of writ petitions in W.P.Nos.31820 to 31826 of 2014. While disposing of the said writ petitions, this Court granted three months time to clear the all the arrears of rent to the petitioners therein and the learned counsel prays that the said order will applicable to the present petitioner also. The relevant portion of the order dated 16.12.2022 is extracted hereunder:

"6. As the petitioner sought time to pay the entire arrears, this Court is of the view that since the petitioners are squatting over the property for many decades and they are chronic defaulters in rents and they have taken advantage of the temple property and the properties have been converted into commercial activities, this Court is of the view that in order to give a quietus, three months further time has been given to clear the entire amount. If the entire amount of arrears as per the fair rent has not been paid, within three months from today, the respondents shall straight away evict the petitioners from the premises."

4. The learned Government Counsel on instructions submitted that as on date, the arrears of rent of the petitioner is Rs.52,893/-.

5. In view of the above, this Court directs the petitioner to pay a sum of Rs.52,893/- towards arrears of rent to the 4th respondent within a period of three months from today. If the entire amount of arrears as per the fair rent has not been paid, within three months from today, the respondents shall evict the petitioner from the premises.



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6. With the above observation, the Review Application is allowed.

No costs.

02.03.2023

Index : Yes/No
Internet : Yes/No
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N.SATHISH KUMAR,J.

rli

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