



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.Nos.2534, 2536, 2888 & 2890 of 2021 &

WMP.Nos.2866, 2870, 3233 & 3236 of 2021

M/s.The Vijaya Agencies,
Represented by its Partner Shankar N.Kamak,
138, North Car Street, Tirunelveli Town. .. Petitioner in all WPs

Vs

1. The Commissioner,
Office of the Hindu Religious Charitable & Endowment Department,
No.119, Uthamar Gandhi Salai, Thousand Lights West,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable & Endowment Department,
No.62-A/1, Trivandram Road, Palayamkottai, Tirunelveli.
3. The Assistant Commissioner,
Hindu Religious Charitable & Endowment Department,
No.62-A/1, Trivandram Road, Palayamkottai, Tirunelveli.
4. The Executive Officer,
Arulmigu Nellaippar Arultharum
Gandhimathi Ambal Thirukoil, Tirunelveli – 627 006.

all WPs

... Respondents in



WEB COPY

Prayer in W.P.No.2534 of 2021 :- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the common impugned Order dated 05.09.2020 passed by the first respondent in RP.Nos.98, 99, 100 and 101 of 2018, quash the same and consequently direct the respondents 2, 3 and 4 to furnish proper working sheet towards rent payable for the Shop No.137A tenanted to the petitioner by the fourth respondent in accordance with G.O.Ms.No.456 of 2007 taking into consideration the geographical location and condition of the building at the relevant period.

Prayer in W.P.No.2536 of 2021 :- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the common impugned Order dated 05.09.2020 passed by the first respondent in RP.Nos.98, 99, 100 and 101 of 2018, quash the same and consequently direct the respondents 2, 3 and 4 to furnish proper working sheet towards rent payable for the Shop No.141-

D tenanted to the petitioner by the fourth respondent in accordance with G.O.Ms.No.456 of 2007 taking into consideration the geographical location and condition of the building at the relevant period.

Prayer in W.P.No.2888 of 2021 :- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the common impugned Order dated 05.09.2020 passed by



WEB COPY

the first respondent in RP.Nos.98, 99, 100 and 101 of 2018, quash the same and consequently direct the respondents 2, 3 and 4 to furnish proper working sheet towards rent payable for the Shop No.137A Backyard North Car Street, tenanted to the petitioner by the fourth respondent in accordance with G.O.Ms.No.456 of 2007 taking into consideration the geographical location and condition of the building at the relevant period.

Prayer in W.P.No.2890 of 2021 :- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the common impugned Order dated 05.09.2020 passed by the first respondent in RP.Nos.98, 99, 100 and 101 of 2018, quash the same and consequently direct the respondents 2, 3 and 4 to furnish proper working sheet towards rent payable for the Shop No.138 tenanted to the petitioner by the fourth respondent in accordance with G.O.Ms.No.456 of 2007 taking into consideration the geographical location and condition of the building at the relevant period.

For Petitioner : Mr.M.L.Joseph,
for M/s.Chennai Law Associates in all
WPs

For Respondents : Mr.K.Karthikeyan,
Government Advocate–R1 to R3 in all
WPs

Mr.E.Ganesh – R4



WEB COPY

COMMON ORDER

These Writ Petitions have been filed challenging the Order of eviction of the first respondent from the premises rented out to the petitioner.

2. The Writ Petitioner has filed these Writ Petitions challenging the Order of eviction passed against the petitioner and disputing the calculation of enhanced rent. However, the learned counsel appearing for the petitioner submitted that he is willing to pay Rs.69,00,000/- towards entire arrears of rent payable by the petitioner. The learned counsel appearing for the petitioner further submitted that they are ready with the Demand Draft bearing No.817574, dated 18.02.2023 in favour of The Executive Officer, Swami Nellaippar Ganthimathi Ambal Temple, for a sum of Rs.30,00,000/- [Rupees thirty lakhs only] and the petitioner is willing to pay the balance amount in two instalments within a period of three months.

3. In such view of the matter, considering the nature of dispute and as eviction proceedings has been initiated and recovery proceedings also allowed



and the petitioner is willing to pay a sum of Rs.69,00,000/- towards entire arrears of rent and he is ready with a Demand Draft for a sum of Rs.30,00,000/-

, the petitioner is directed to hand over the Demand Draft for a Sum of Rs.30,00,000/- to the fourth respondent and directed to pay the remaining amount in two equal instalments within a period of three months and not exceeding three months, from the date of receipt of a copy of this Court. In the event, the amount is not paid as agreed by the petitioner, the respondent shall recover the entire amount with interest from the petitioner.

4. With the above directions, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

24.02.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc



To,

1. The Commissioner,
Office of the Hindu Religious Charitable & Endowment Department,
No.119, Uthamar Gandhi Salai, Thousand Lights West,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable & Endowment Department,
No.62-A/1, Trivandram Road, Palayamkottai, Tirunelveli.
3. The Assistant Commissioner,
Hindu Religious Charitable & Endowment Department,
No.62-A/1, Trivandram Road, Palayamkottai, Tirunelveli.
4. The Executive Officer,
Arulmigu Nellaippar Arultharum
Gandhimathi Ambal Thirukoil, Tirunelveli – 627 006.



W.P.Nos.2534, 2536, 2888 & 2890 of 2021

N. SATHISH KUMAR, J.

These Writ Petitions have been listed today at the instance of the learned counsel appearing for the petitioner under the caption 'for being mentioned'.

2. The learned counsel appearing for the petitioner submitted that at the time of the passing Order in the Writ Petitions, he had submitted that the petitioner is willing to pay the balance amount in two instalments within a period of six months, whereas in the Order it is mentioned as three months.

3. In view of the above submissions, in the Order in W.P.Nos.2534, 2536, 2888 & 2890 of 2021, dated 24.02.2023 at the end of the paragraph No.2, 'each' shall be incorporated.

4. Further Instead of paragraph No.3, the following paragraph number shall be incorporated.

3. In such view of the matter, considering the nature of dispute and as eviction proceedings has been initiated and recovery proceedings also allowed and the petitioner is willing to pay a sum of Rs.69,00,000/- towards entire arrears of rent and he is ready with a Demand Draft for a sum of Rs.30,00,000/-, the



N. SATHISH KUMAR, J.

vrc

petitioner is directed to hand over the Demand Draft for a Sum of Rs.30,00,000/- to the fourth respondent and directed to pay the remaining amount in two equal instalments, each within a period of three months and totally not exceeding six months, from the date of receipt of a copy of this Court. In the event, the amount is not paid as agreed by the petitioner, the respondent shall recover the entire amount with interest from the petitioner.

4. The registry is directed carry out the above corrections and issues fresh Order copy to the parties concerned.

03.03.2023

vrc

W.P.Nos.2534, 2536, 2888 & 2890 of 2021