



WEB COPY



Writ Appeal No.1108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.05.2023

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE SENTHILKUMAR
RAMAMOORTHY**

**Writ Appeal No.1108 of 2023
and CMP.Nos.11192 & 11193 of 2023**

1.S.Mohan
2. Padmavathy

... Appellants

Vs

1. The Secretary to the Government of Tamil Nadu,
Hindu Religious and Charitable Endowments,
Fort St.George, Chennai – 600 009.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Padi, Chennai – 600 050.

5. The Executive Officer,
Thiru Karneeswarar Koil,
Chennai – 600 015.

... Respondents



Writ Appeal No.1108 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Pattern to allow the writ appeal against the order dated 14.03.2023 passed by this Court in W.P.No.7809 of 2023.

For Appellants : Mr.L.Dhamodharan
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

JUDGMENT

(Judgement of the Court was made by Mr.C.V.KARTHIKEYAN.,J.)

The writ petition in W.P.No.7809 of 2023 has been filed seeking disposal of an appeal dated 19.02.2018 filed by the writ petitioners. The said appeal had been filed questioning an order dated 15.12.2017 passed in R.P.No.290 of 2017 by the second respondent, the Commissioner, Hindu Religious and Charitable Endowments, Chennai.

2. Final orders were passed in the writ petition on 14.03.2023. The learned single Judge had directed that the petitioners' appeal should be disposed of within a period of eight(8) weeks, but had placed a caveat that the writ petitioners should pay the arrears of rent. The arrears of rent has been quantified by the learned single Judge. Questioning that particular order, the present writ appeal has been filed.



WEB COPY

3. The petitioners cannot claim indulgence both ways by seeking disposal of the appeal pending before the Commissioner and also seeking protection from claim towards arrears of rent.

4. The learned single Judge had issued a direction to dispose of the appeal within a period of eight(8) weeks from the date of receipt of a copy of the order. The learned single Judge was within his right to direct the appellants to pay the arrears of rent. We find no infirmity in issuance of such direction as the petitioners cannot hold on to the property without even paying the rent, much less arrears of rent.

5. They are obliged to pay the rent. All other issues can be raised in the appeal pending before the Commissioner and we would therefore refrain ourselves from entering into any further discussion on the merits.

6. The order and directions of the learned single Judge are upheld.



Writ Appeal No.1108 of 2023

With the above observations, the writ appeal is dismissed.

Connected miscellaneous petitions are closed. No order as to costs.

(C.V.K.,J.) (S.K.R., J.)
17.05.2023

mp/vsg

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

To

1. The Secretary to the Government of Tamil Nadu,
Hindu Religious and Charitable Endowments,
Fort St.George, Chennai – 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Padi, Chennai – 600 050.
5. The Executive Officer,
Thiru Karneeswarar Koil,
Chennai – 600 015.



WEB COPY



Writ Appeal No.1108 of 2023

C.V.KARTHIKEYAN., J.
and
SENTHILKUMAR RAMAMOORTHY.,J.

mp/vsg

Writ Appeal No.1108 of 2023

17.05.2023